

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREENMART OF NEVADA NLV
LLC, A NEVADA LIMITED
LIABILITY COMPANY; NEVADA
ORGANIC REMEDIES, LLC,

Appellants,

vs.

ETW MANAGEMENT GROUP LLC,
A NEVADA LIMITED LIABILITY
COMPANY; GLOBAL HARMONY
LLC, A NEVADA LIMITED
LIABILITY COMPANY; GREEN
LEAF FARMS HOLDINGS LLC, A
NEVADA LIMITED LIABILITY
COMPANY; HERBAL CHOICE INC.,
A NEVADA LIMITED LIABILITY
COMPANY; JUST QUALITY, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; LIBRA WELLNESS
CENTER, LLC, A NEVADA LIMITED
LIABILITY COMPANY; MOTHER
HERB, INC., A NEVADA LIMITED
LIABILITY COMPANY; GBS
NEVADA PARTNERS, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; NEVCANN LLC, A
NEVADA LIMITED LIABILITY
COMPANY; RED EARTH LLC, A
NEVADA LIMITED LIABILITY
COMPANY; THC NEVADA LLC, A
NEVADA LIMITED LIABILITY
COMPANY; ZION GARDENS LLC, A
NEVADA LIMITED LIABILITY
COMPANY; and STATE OF
NEVADA, DEPARTMENT OF
TAXATION,¹

Respondents.

ETW MANAGEMENT GROUP LLC, a
Nevada limited liability company;

SUPREME COURT CASE NO.
79669

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**RESPONDENTS' APPENDIX
VOLUME IV**

¹ Appellants' caption failed to include GREEN THERAPEUTICS LLC, ROMBOUGH REAL ESTATE INC. dba MOTHER HERB, and MMOF VEGAS RETAIL, INC. and incorrectly named MOTHER HERB, INC. and GBS NEVADA PARTNERS.

GLOBAL HARMONY LLC, a Nevada limited liability company; GREEN LEAF FARMS HOLDINGS LLC, a Nevada limited liability company; GREEN THERAPEUTICS LLC, a Nevada limited liability company; HERBAL CHOICE INC., a Nevada corporation; JUST QUALITY, LLC, a Nevada limited liability company; LIBRA WELLNESS CENTER, LLC, a Nevada limited liability company; ROMBOUGH REAL ESTATE INC. dba MOTHER HERB, a Nevada corporation; NEVCANN LLC, a Nevada limited liability company; RED EARTH LLC, a Nevada limited liability company; THC NEVADA LLC, a Nevada limited liability company; ZION GARDENS LLC, a Nevada limited liability company; and MMOF VEGAS RETAIL, INC., a Nevada corporation,

Respondent/Cross-Appellants,

v.

STATE OF NEVADA, DEPARTMENT OF TAXATION, a Nevada administrative agency.

Respondent.

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RESPONDENTS' APPENDIX

VOLUME IV

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LLC, ROMBOUGH REAL ESTATE INC. dba MOTHER HERB, NEVCANN LLC,
RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC, and MMOF
VEGAS RETAIL, INC. (collectively, "ETW Parties")*

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RESPONDENTS' APPENDIX (ALPHABETICAL)

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RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC, and MMOF
VEGAS RETAIL, INC. (collectively, "ETW Parties")*

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| Amended Application for Mandamus to Compel State of Nevada, Department of Taxation to Move Nevada Organic Remedies into "Tier 2" of Successful Conditional License Applicants (November 11, 2019) | Volume XI RA2002 – 2056 |
| E-mail from Mr. Shevorski (August 21, 2019) | Volume X RA1902 – 1904 |
| ETW Plaintiffs' Complaint (January 4, 2019) | Volume I RA0179 – 250 |
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| Evidentiary Hearing – Day 4 Transcript (May 30, 2019) | Volume V RA0815 – 1057 |
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| Evidentiary Hearing – Day 7 Transcript (June 11, 2019) | Volume VIII RA1350 – 1600 |

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| Evidentiary Hearing – Day 7 Transcript – Continued (June 11, 2019) | Volume IX RA1601 – 1602 |
| Evidentiary Hearing – Day 17 Transcript (August 13, 2019) | Volume IX RA1603 – 1694 |
| Evidentiary Hearing – Day 20 Transcript (August 16, 2019) | Volume X RA1735 – 1901 |
| Findings of Fact and Conclusion of Law Granting Preliminary Injunction (August 23, 2019) | Volume X RA1905 – 1928 |
| Google Maps Photo (June 11, 2019) | Volume VII RA1344 – 1346 |
| Governor’s Task Force on the Implementation of Question 2: The Regulation and Taxation of Marijuana Act (May 30, 2017) | Volume I RA0001 – 162 |
| GreenMart of Nevada NLV’s Trial Memorandum (August 15, 2019) | Volume IX RA1714 – 1723 |
| Hearing on Objections to State’s Response, Nevada Wellness Center’s Motion Re Compliance Re Physical Address, and Bound Amount Setting (August 29, 2019) | Volume XI RA1929 – 2001 |
| Nevada Organic Remedies’ Organizational Chart (2018) | Volume I RA0163 – 178 |
| Nevada Organic Remedies’ Pocket Brief Regarding the Interpretation of NRS 435D.200(6) and the Mandate to Conduct Background Checks of Each Owner of an Applicant for a Recreational Marijuana License (August 14, 2019) | Volume IX RA1695 – 1713 |
| Notice of Entry of Order Denying Amended Application for Writ of Mandamus to Compel State of Nevada, Department of Taxation to Move Nevada Organic Remedies into “Tier 2” of Successful Conditional License Applicants (January 14, 2020) | Volume XI RA2057 – 2062 |
| State of Nevada Pocket Brief Regarding the Meaning of the Phrase “All Regulations Necessary or Convenient to Carry Out the Provisions of” (June 10, 2019) | Volume VII RA1283 – 1343 |
| The Essence Entities’ Bench Brief (Corrected) (August 15, 2019) | Volume IX RA1724 – 1734 |
| UPS Store Address (June 11, 2019) | Volume VII RA1347 - 1349 |

DATED this 19th day of June, 2020.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Adam K. Bult

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **RESPONDENTS' APPENDIX VOLUME IV** was filed electronically with the Nevada Supreme Court on the 19th day of June, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

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GreenMart of Nevada NLV, LLC*

/s/ Wendy Cosby
an employee of Brownstein Hyatt Farber Schreck, LLP

DC's Marijuana Products

License Number: 123 456 789 001 0001

Registration Certificate Number: 543 210789 000 0010

(if applicable)

Production Run Number: 1234

THIS IS A MARIJUANA PRODUCT

Keep out of reach of children

Produced on: 01/01/2017

Final Testing Date: 01/15/2017

Packaged on: 01/17/2017

Best if used by: 03/17/2017

Cannabinoid profile:

Terpenoid profile:

Total THC content:

THC content per serving +/- 15%:

*This product contains concentrated marijuana
produced with butane.*

Ingredients: Wheat, Sugar, Milk Chocolate

*Allergy Warning: Peanuts, Tree Nuts, Eggs, Wheat,
Soy*

Net Weight: 100mg

Sec. 225. 1. *A retail marijuana store must affix to each container or package containing usable marijuana sold at retail, if not already included on the container or package, a label which must include, without limitation:*

(a) The business or trade name and the license number of the marijuana cultivation facility that cultivated and sold the usable marijuana.

(b) If the marijuana cultivation facility is operated by a dual licensee, the number of the medical marijuana establishment registration certificate of the cultivation facility operated by the dual licensee.

(c) The batch number.

(d) The lot number.

(e) The date and quantity sold, including the net weight measured in ounces and grams or by volume, as appropriate.

(f) The name and address of the retail marijuana store.

(g) The cannabinoid profile and potency levels and terpenoid profile as determined by the marijuana testing facility, which may include the potential total THC but must not include any other calculated level of THC.

(h) A warning that states: "This product may have intoxicating effects and may be habit forming."

(i) The statement: "This product may be unlawful outside of the State of Nevada."

(j) The date on which the marijuana was harvested.

(k) A warning that states: "THIS IS A MARIJUANA PRODUCT."

2. The label required by subsection 1 for a container or package containing usable marijuana sold at retail must be in substantially the following form:

| |
|--|
| <p><i>JP's Plant Emporium</i></p> <p><i>License Number: 123 456 789 001 0001</i></p> <p><i>Registration Certificate Number: 543 210789 000 0010</i></p> <p><i>(if applicable)</i></p> <p><i>THIS IS A MARIJUANA PRODUCT</i></p> <p><i>Batch #: 1234</i></p> <p><i>Lot #: 1234</i></p> |
|--|

Final harvest: 01/01/2017

by

We Care Retail Marijuana Store

123 Main Street, Carson City, NV 89701

WARNING:

*This product may have intoxicating effects and may be
habit forming.*

16.7% THC 1.5% CBD 0.3% CBN

*Myrcene 5.6 mg/g Limonene 5.1 mg/g Valencene
3.5 mg/g*

Net Weight: .25 ounces (7 grams)

*This product may be unlawful outside the State of
Nevada.*

**Sec. 226. 1. A retail marijuana store must affix to each container or package
containing edible marijuana products sold at retail and affix to or include with each container**

or package containing concentrated marijuana or marijuana products sold at retail a label which must not mislead consumers and must include, without limitation:

(a) The business or trade name and the license number of the marijuana product manufacturing facility that extracted and sold the concentrated marijuana or manufactured and sold the product.

(b) If the marijuana product manufacturing facility is operated by a dual licensee, the number of the medical marijuana establishment registration certificate of the facility for the production of edible marijuana products or marijuana-infused products operated by the dual licensee.

(c) The production run number that accounts for all lot numbers of all marijuana used to extract the concentrated marijuana or create the product, as recorded in the inventory control system of the marijuana product manufacturing facility that sold the concentrated marijuana or product.

(d) The name and address of the retail marijuana store.

(e) The date on which the concentrated marijuana was extracted or the product was manufactured.

(f) The date on which the concentrated marijuana or product was packaged.

(g) If the product is perishable, a suggested use-by date.

(h) The cannabinoid profile and potency levels and terpenoid profile of the product, as determined by the marijuana testing facility that tested the product, which, except as otherwise provided in paragraph (i), may include the potential total THC but must not include any other calculated level of THC.

(i) If the product is an edible marijuana product, the measurements of THC included on the label must include only the delta-9-tetrahydrocannabinol in the edible marijuana product.

(j) The total amount of THC in each serving of the product and a notice that the actual amount of THC may be within 15 percent of the stated amount.

(k) A list of all ingredients and all major food allergens as identified in 21 U.S.C. § 343.

(l) The concentration of THC in the product, if applicable.

(m) The net weight of the marijuana or marijuana product.

(n) A warning that states: "Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by 2 or more hours."

(o) If concentrated marijuana or a marijuana extract was added to the product, a disclosure of the type of extraction process and any solvent, gas or other chemical used in the extraction process, or any other compound added to the concentrated marijuana or the marijuana extract.

(p) A warning that states: "This product may have intoxicating effects and may be habit forming."

(q) A warning that states: "Keep out of reach of children."

(r) A statement that: "This product may be unlawful outside of the State of Nevada."

(s) A warning that states: "THIS IS A MARIJUANA PRODUCT."

2. The label required by subsection 1 for a container or package containing concentrated marijuana or marijuana products sold at retail must be in substantially the following form:

***We Care Retail Marijuana Store
123 Main Street, Carson City, NV 89701***

THIS IS A MARIJUANA PRODUCT

Date Sold: 3/27/2017

Cookie

Net Weight: 2oz (56 grams)

Produced on: 1/1/2017

Final Testing Date: 1/15/2017

Packaged on: 1/17/2017

Best if used by: 6/3/2017

Cannabinoid profile:

Terpenoid profile:

THC content per serving +/- 15%:

***CAUTION: When eaten or swallowed the intoxicating
effects of this product can be delayed by 2 or more hours.***

Keep out of reach of children

This product may be unlawful outside the State of Nevada.

Manufactured at: KC's Kitchen

License Number: 321654987101 0401

***Registration Certificate Number: 543 210789 000 0010 (if
applicable)***

Production Run #5463

***INGREDIENTS: Flour, Butter, Canola Oil, Sugar,
Chocolate, Marijuana, Strawberries***

CONTAINS ALLERGENS: Milk, Wheat

Contains marijuana extract processed with butane.

Contains concentrated marijuana produced with CO2.

**WARNING: This product may have intoxicating effects
and may be habit forming.**

Sec. 227. 1. A retail marijuana store must provide with all usable marijuana sold at retail accompanying material that discloses any pesticides applied to the marijuana plants and growing medium during production and processing.

2. A retail marijuana store must provide with all usable marijuana and marijuana products sold at retail a written notification which contains the following warnings:

(a) That marijuana and marijuana products must be kept out of the reach of children.

(b) That marijuana and marijuana products can cause severe illness in children.

(c) That allowing children to ingest marijuana or marijuana products or storing marijuana or marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect.

(d) "THE INTOXICATING EFFECTS OF MARIJUANA MAY BE DELAYED BY 2 HOURS OR MORE AND USERS OF MARIJUANA PRODUCTS SHOULD INITIALLY INGEST A SMALL AMOUNT OF THE PRODUCT CONTAINING NO MORE THAN 10 MILLIGRAMS OF THC, THEN WAIT AT LEAST 2 HOURS BEFORE INGESTING ANY ADDITIONAL AMOUNT OF THE PRODUCT."

(e) "This product may have intoxicating effects and may be habit forming. Smoking is hazardous to your health."

(f) "Ingesting marijuana or marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and a person should consult with a physician before doing so."

(g) "There may be health risks associated with consumption of this product."

(h) "Pregnant women should consult with a physician before ingesting marijuana or marijuana products."

(i) "Marijuana or marijuana products can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of marijuana or marijuana products."

(j) "Ingestion of any amount of marijuana or marijuana products before driving may result in criminal prosecution for driving under the influence."

3. The text used on all accompanying material and warnings must be printed in at least 12-point font and may not be in italics.

Sec. 228. Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store shall:

- 1. Examine packaged and labeled products during finishing operations to provide assurance that the containers and packages have the correct labels;*
- 2. Collect a representative sample of units at the completion of finishing operations and ensure that the samples are visually examined for correct labeling; and*
- 3. Record the results of the examinations performed pursuant to subsections 1 and 2 in the applicable production or control records.*

Sec. 229. 1. *Except as otherwise provided in subsection 3, on or before January 1, 2019, each single-serving edible marijuana product and each individual serving containing not more than 10 milligrams of THC of a multiple-serving edible marijuana product must be stamped or molded with a symbol developed by the Department to indicate that the product contains marijuana.*

2. *An edible marijuana product that is impractical to stamp or mold with a symbol, including, without limitation, bulk goods or powders, must be packaged in a child-resistant container in individual servings containing not more than 10 milligrams of THC.*

3. *An edible marijuana product in liquid form which is packaged as required by section 219 of this regulation need not be stamped or molded as described in this section.*

Sec. 230. 1. *A marijuana establishment:*

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

(1) Is false or misleading;

(2) Promotes overconsumption of marijuana or marijuana products;

(3) Depicts the actual consumption of marijuana or marijuana products; or

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

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

(c) Shall not place an advertisement:

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

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

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

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

(5) On signs carried by a natural person, including, without limitation, handbills, pamphlets, cards or other types of advertisements that are distributed to the general public, but excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; and

(6) Where prohibited by local ordinance.

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

(e) Shall ensure that all advertising by the marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

- (1) "Keep out of reach of children"; and*
- (2) "For use only by adults 21 years of age and older."*

2. A retail marijuana store shall post signs in prominent locations inside the retail marijuana store which state activities that are strictly prohibited and punishable by law, including, without limitation, the following statements:

- (a) "No minors permitted on the premises unless the minor holds a letter of approval and is accompanied by a designated primary caregiver";*
- (b) "No on-site consumption of any marijuana or marijuana products";*
- (c) "Distribution to persons under the age of 21 is prohibited";*
- (d) "Except for medical marijuana patients, possession of over 1 ounce of usable marijuana, one-eighth ounce of concentrated marijuana, an edible marijuana product containing more than 3,500 milligrams of THC or a combination of the three which exceeds the legal limit is prohibited"; and*
- (e) "Transportation of marijuana or marijuana products across state lines is prohibited."*

Sec. 231. *A marijuana establishment shall not use a name, logo, sign, advertisement or packaging unless the name, logo, sign, advertisement or packaging has been approved by the Department.*

Sec. 232. *The provisions of NRS 372A.200 to 372A.380, inclusive, which apply to:*

1. The excise tax on marijuana, as defined in NRS 372A.220, as amended by section 4 of Senate Bill No. 487, chapter 541, Statutes of Nevada 2017, at page 3730, also apply to the excise tax on marijuana imposed pursuant to NRS 453D.500.

2. A taxpayer, as defined in NRS 372A.250, as amended by section 6 of Senate Bill No. 487, chapter 541, Statutes of Nevada 2017, at page 3730, also apply to a marijuana cultivation facility.

Sec. 233. Marijuana and marijuana products sold pursuant to chapter 453D of NRS are subject to sales tax when sold at a retail marijuana store. Returns and payments must be submitted as provided in NRS 372.354 to 372.395, inclusive.

Sec. 234. 1. Each taxpayer shall, on or before the last day of the month immediately following each month for which the taxpayer is subject to the imposition of the excise tax on marijuana, file with the Department a return on a form prescribed by the Department and remit to the Department any tax due for the month covered by the return. Each such taxpayer shall file a return even if the taxpayer has no liability for the tax.

2. Each taxpayer shall pay the excise tax on marijuana to the Department upon the first sale of marijuana or marijuana products to a marijuana cultivation facility, marijuana product manufacturing facility, retail marijuana store or a consumer.

3. If a marijuana cultivation facility sells marijuana to another marijuana cultivation facility and pays to the Department the excise tax imposed by NRS 453D.500 on the sale, the excise tax imposed by NRS 453D.500 is not required for any subsequent wholesale sale of that marijuana.

4. Each marijuana cultivation facility and retail marijuana store shall keep all supporting documentation for verification that the excise tax imposed by NRS 453D.500 was paid on the first wholesale sale of marijuana.

5. The Department may require a marijuana establishment to submit a financial statement as determined to be necessary by the Department to ensure the collection of any taxes which may be owed by the marijuana establishment.

6. The Department will calculate the fair market value at wholesale using the reported sales or transfer of marijuana in each category of marijuana described in this subsection using the methodology described in paragraphs (a) to (f), inclusive. The fair market value at wholesale of:

(a) Marijuana bud must be calculated on the basis of the total weight of all marijuana bud that is sold, excluding the inadvertent inclusion of an inconsequential amount of marijuana bud in a sale of marijuana trim.

(b) Marijuana trim must be calculated on the basis of the total weight of all marijuana trim that is sold, including the total weight of an inconsequential amount of marijuana bud which is inadvertently included.

(c) Immature marijuana plants must be calculated on the basis of the total number of immature marijuana plants sold.

(d) Whole wet marijuana plants must be calculated on the basis of the total weight of the entire whole wet marijuana plant. A marijuana cultivation facility shall maintain records of the time each batch containing whole wet marijuana plants is harvested and weighed which

contain the weight of each plant, are in writing and are created contemporaneously with the harvesting and weighing. To determine the total weight of the whole wet marijuana plant:

(1) The plant must not undergo any further processing, including, without limitation, drying the plant and subsequently selling separately the marijuana bud and marijuana trim from the plant, before being weighed; and

(2) The plant must be weighed within 2 hours after the harvesting of the batch containing the plant and without any further processing of the plant, including, without limitation, increasing the ambient temperature of the room in which the plant is held or drying, curing or trimming the plant. If the whole wet marijuana plant is not weighed within 2 hours after the harvest of the batch containing the plant or is subjected to further processing, the fair market value at wholesale of the plant must not be calculated using this paragraph and must be calculated using paragraph (a) or (b).

(e) Marijuana seeds must be calculated on the basis of the total number of seeds sold.

(f) Any other category of marijuana must be determined by the Department on a case-by-case basis.

7. As used in this section:

(a) "Excise tax on marijuana" has the meaning ascribed to it in NRS 372A.220, as amended by section 4 of Senate Bill No. 487, chapter 541, Statutes of Nevada 2017, at page 3730.

(b) "Taxpayer" has the meaning ascribed to it in NRS 372A.250, as amended by section 6 of Senate Bill No. 487, chapter 541, Statutes of Nevada 2017, at page 3730.

Sec. 235. *Within 30 days after the effective date of this regulation and on November 1 of each year thereafter, the Department will reimburse the costs of each local government of carrying out the provisions of chapters 453A and 453D of NRS as follows:*

- 1. By distributing a total amount of \$1,500,000, divided equally, to each county; and*
- 2. By distributing a total amount of \$3,500,000 to each locality, divided on the basis of the population of each locality, to each locality in which a marijuana establishment or a medical marijuana establishment is located on:*

- (a) February 16, 2018, for the initial distribution pursuant to this subsection; and*
- (b) September 1 of each year for each subsequent distribution pursuant to this subsection.*

Sec. 236. *No employee of this State who is responsible for implementing or enforcing the provisions of this chapter or chapter 453D of NRS may have a direct or indirect financial interest in a marijuana establishment or be employed by or volunteer at a marijuana establishment.*

Sec. 237. *For the purposes of subsection 1 of NRS 453D.110, the maximum allowable quantity of marijuana is an amount that is:*

- 1. Equivalent to 1 ounce of usable marijuana other than concentrated marijuana;*
- 2. One-eighth ounce of concentrated marijuana containing not more than 3,500 milligrams of THC; and*
- 3. One-eighth ounce of concentrated marijuana or 3,500 milligrams of THC contained within one or more edible marijuana products.*

Sec. 238. *The Department may, upon findings made following a public hearing that the public interest will be supported by limiting the cultivation of marijuana in this State, limit the amount of marijuana cultivated within this State.*

Sec. 239. 1. *A marijuana establishment:*

(a) May only promote marijuana or a marijuana product through marketing the marijuana testing facility results on the label of the marijuana or marijuana product; and

(b) Must not use a marijuana testing facility or other laboratory to promote any other attributes of marijuana or a marijuana product.

2. *The provisions of this chapter governing labeling and testing of marijuana and marijuana products apply to all marijuana and marijuana products, including, without limitation, pre-rolls.*

Sec. 240. 1. *The Department may charge and collect a fee from any marijuana establishment that is involved in a complaint submitted to the Department by a consumer to recover the costs of investigating the complaint after the investigation is completed if the complaint is substantiated. The fee will be based upon the hourly rate established for each investigator of marijuana establishments as determined by the budget of the Department.*

2. *As used in this section, "substantiated" means supported or established by evidence or proof.*

Sec. 241. *Except as otherwise provided in NRS 239.0115 and section 242 of this regulation, any information received by the Department related to the security of a marijuana establishment is confidential and must not be disclosed by the Department.*

Sec. 242. 1. Except as otherwise provided in this section and NRS 239.0115, the Department will and any designee of the Department shall maintain the confidentiality of and shall not disclose the name or any other identifying information of any person who facilitates or delivers services pursuant to this chapter or chapter 453D of NRS. Except as otherwise provided in NRS 239.0115, the name and any other identifying information of any person who facilitates or delivers services pursuant to this chapter or chapter 453D of NRS are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Department or its designee may release the name and other identifying information of a person who facilitates or delivers services pursuant to this chapter or chapter 453D of NRS to:

(a) Authorized employees of the Department or its designee as necessary to perform official duties of the Department; and

(b) Authorized employees of state and local law enforcement agencies only as necessary to verify that a person is lawfully facilitating or delivering services pursuant to this chapter or chapter 453D of NRS.

3. Nothing in this section prohibits the Department from providing a local government with a copy of all information and documentation provided as part of an application to operate a marijuana establishment upon the request of the local government and with the prior consent of the applicant.

Sec. 243. *A marijuana establishment shall not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the marijuana establishment.*

Sec. 244. *The provisions of sections 23 to 246, inclusive, of this regulation shall be deemed to apply to the extent specified in any agreement with a tribal government in this State entered into pursuant to section 1 of Senate Bill No. 375, chapter 305, Statutes of Nevada 2017, at page 1617 (NRS 223.250).*

Sec. 245. 1. *Each component marijuana establishment retains its individual legal status as a separate entity from the combined marijuana establishment of which it is a part and each other component marijuana establishment which is a part of the same combined marijuana establishment.*

2. *The Department will not issue to a combined marijuana establishment a license for a marijuana establishment, but the combined marijuana establishment will instead be deemed to exist for the efficient operation and regulation of the component marijuana establishments which are a part of the combined marijuana establishment and will be issued a certificate of approval by the Department upon a determination by the Department that the combined marijuana establishment has complied with the provisions of this section.*

3. *The component marijuana establishments of a combined marijuana establishment may share a single, secured storage area if the inventory from each component marijuana establishment is securely segregated within the secured storage area apart from the inventory of all other component marijuana establishments.*

4. The building infrastructure, security systems and other facilities, including, without limitation, common entrances, exits, break rooms, locker rooms, loading docks and other areas determined by the Department to be expedient for business and appropriate for the site, may be combined and shared among the component marijuana establishments of a combined marijuana establishment.

5. Each component marijuana establishment must be located in a commercial or industrial zone or overlay as approved by the locality and comply with all local ordinances and rules pertaining to zoning, land use and signage.

6. Except as otherwise provided in subsection 13, each component marijuana establishment within a combined marijuana establishment must be inspected before commencing operations and be ready to commence operations before any component marijuana establishment within the combined marijuana establishment may commence operations. A component marijuana establishment need not actually commence or intend to immediately commence operations to satisfy the requirements of this subsection.

7. For the purposes of subsection 6, a component marijuana establishment is ready to commence operations if the component marijuana establishment:

(a) Is a cultivation facility, as defined in NRS 453A.056, as amended by section 8 of Assembly Bill No. 422, chapter 540, Statutes of Nevada 2017, at page 3679 and section 22 of Senate Bill No. 487, chapter 541, Statutes of Nevada 2017, at page 3743, or marijuana cultivation facility and has demonstrated the successful installation and operation of lights, plumbing, heating, ventilation and air-conditioning systems, humidity control systems, carbon

dioxide control systems and all other growing technical facilities, including all related control systems, for at least one growing unit. A growing unit must:

(1) Be serviced by all building facilities and technology and have all other features described to perform growing operations at all stages of growth in the application for a medical marijuana establishment registration certificate or license for the cultivation facility or marijuana cultivation facility;

(2) Have the capacity to nourish clones, germinate seedlings, attain vegetative growth, flower plants to maturity, dry and cure cut plants, trim and package finished plants and store finished marijuana product in compliance with this chapter, chapters 453A and 453D of NRS and chapter 453A of NAC, as applicable; and

(3) Consist of one or more growing tables, enclosed pods or rooms.

(b) Is a facility for the production of edible marijuana products or marijuana-infused products, as defined in NRS 453A.105, as amended by section 11 of Assembly Bill No. 422, chapter 540, Statutes of Nevada 2017, at page 3680 and section 24 of Senate Bill No. 487, chapter 541, Statutes of Nevada 2017, at page 3744, or marijuana product manufacturing facility and has demonstrated the proper, safe installation of all extraction, cooking or other equipment and all plumbing, ventilation, solvent lines, electricity, electrical lines, refrigerators and all other production equipment.

8. A component marijuana establishment which has demonstrated that it is ready to commence operations pursuant to subsection 7 may expand operations within a previously inspected and approved space to the level described in its application for a license for a

marijuana establishment without further inspection or approval. The Department may inspect such a component marijuana establishment as often as it determines to be necessary.

9. Before the Department will issue a certificate of approval for a combined marijuana establishment, all walls, ceilings, floors, electrical cabling, plumbing, general lighting for purposes other than cultivation and ducting for heating, ventilation or air-conditioning systems for each component marijuana establishment must be completed as specified in the floorplan submitted to the Department as part of the application for a license for a marijuana establishment for the component marijuana establishment at a level sufficient to obtain a certificate of occupancy issued by the locality.

10. Each certificate of approval issued by the Department to a combined marijuana establishment must specify which types of marijuana establishments are approved to operate at the location of the combined marijuana establishment.

11. A combined marijuana establishment may:

(a) Allow the marijuana establishment agents or medical marijuana establishment agents of each component marijuana establishment to move between the component marijuana establishments of the combined marijuana establishment if each such marijuana establishment agent or medical marijuana establishment agent holds and carries on his or her person a marijuana establishment agent registration card or medical marijuana establishment agent registration card, as applicable, for each kind of marijuana establishment or medical marijuana establishment to be entered.

(b) Allow a marijuana establishment agent or medical marijuana establishment agent of any component marijuana establishment to perform work functions for any component

marijuana establishment if each such marijuana establishment agent or medical marijuana establishment agent holds and carries on his or her person a marijuana establishment agent registration card or medical marijuana establishment agent registration card, as applicable, for each kind of marijuana establishment or medical marijuana establishment at which work functions are performed.

(c) Share equipment which is not specific to the operation of a component marijuana establishment, including, without limitation, motor vehicles, among all component marijuana establishments.

(d) Not allow a component marijuana establishment to share equipment which is specific to the operation of the component marijuana establishment, including, without limitation, extraction devices which are specifically used by a marijuana product manufacturing facility or cultivation lights which are specifically used by a marijuana cultivation facility, with another component marijuana establishment.

12. Each component marijuana establishment shall maintain separate operations from other component marijuana establishments and the combined marijuana establishment of which the component marijuana establishment is a part by:

(a) Holding a license for a marijuana establishment or a medical marijuana establishment registration certificate and being individually approved, separate from all other marijuana establishments or medical marijuana establishments operating on the same parcel of real estate, to operate as a business by all relevant jurisdictions and authorities, as applicable.

(b) Maintaining separately from all other component marijuana establishments and being able to present financial records which comply with generally accepted accounting principles.

(c) Filing all financial disclosures and tax documents separately from all other component marijuana establishments.

13. A component marijuana establishment may submit a written request for an exception from the requirements of subsection 6. Such a written request must include a detailed justification of the necessity of the request. The Department may grant such a request for good cause shown, but will not consider any issues relating to financial outlays or difficulties with a vendor or supplier in preparing all component marijuana establishments for inspection to be good cause. If the Department grants such a request and the inspection of the component marijuana establishment which submitted the request is successful, the Department may permit the component marijuana establishment to operate for a period of time approved by the Department. Any certificate of approval issued to the combined marijuana establishment must be temporary and indicate that not all component marijuana establishments have been approved to operate. A final certificate of approval may only be issued to the combined marijuana establishment after each component marijuana establishment has satisfied the requirements of this section, paid all applicable fees and satisfied all applicable requirements of state or local law, regulation or ordinance.

Sec. 246. *A dual licensee shall:*

- 1. Comply with the provisions of chapter 453A of NAC with respect to the medical marijuana establishment operated by the dual licensee; and*
- 2. Combine the location and operations of the medical marijuana establishment and marijuana establishment operated by the dual licensee as provided in section 245 of this regulation.*

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R092-17

1. A clear and concise explanation of the need for the adopted permanent regulation

The need and purpose of the proposed permanent regulation is to establish procedures for the issuance, suspension or revocation of licenses issued by the Department of Taxation, provide operating requirements to licensed marijuana establishments, require monthly filing of returns and remittance of tax imposed on the sales of marijuana, require the maintenance of certain records, and provide for the inspection of such records relating to the regulation and taxation of marijuana pursuant to NRS 453D.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary

The Department of Taxation solicited comments from the public by sending the notices of the workshop and hearing by email and fax as follows:

| <u>Date of Notice</u> | <u>Workshop/Hearing</u> | <u>Date Held</u> |
|-----------------------|---|------------------|
| July 6, 2017 | Definitions, Application and licensing requirement of education and training; Civil penalties, security, disposal and taxes | July 24, 2017 |
| July 6, 2017 | Distribution, delivery and storage; Retail stores | July 25, 2017 |
| July 7, 2017 | Cultivation; Testing facilities | July 26, 2017 |
| July 7, 2017 | Production and Manufacturing; Packaging and labeling; Signage, marketing and advertising | July 27, 2017 |
| Dec. 16, 2017 | Public Hearing | Jan. 16, 2018 |

The mailing list included 264 members of the Department's interested parties list and 511 members of its marijuana-specific interested parties list. The Nevada Taxpayers Association also mailed the notices of workshop and hearing to its list of interested parties. Notices were also posted at the Nevada State Library, various Department of Taxation locations throughout the state, and at the main public libraries in counties where an office of the Department of Taxation is not located. Comments were also solicited by direct email to other interested parties lists maintained by the Department.

Summary of public responses

The following general responses were received by email and mail prior to the adoption hearing:

- Request deletion of Section 242 that relates to confidentiality of any person who facilitates or delivers services.
- Request that publicly traded companies' 5 percent owners be exempt from the sundry requirements for owners.
- Provide impartial evaluation for awarding marijuana establishment licenses; grant higher merit points to non-retail license holders and those who have made a greater investment in building in the industry.
- Provide for language that allows for a third party or intermediary business to advertise delivery to consumers provided that the advertising lists the name of the licensed retail marijuana store and that any digital platform or other platform used meets the publicly disclosed criteria for such delivery as approved by the Department.
- Funds provided under Section 235, subsection 1 should be used to supplement, not replace, general fund revenues and their use should be limited to costs directly related to impacts from marijuana such as public safety, public health and social services. The distribution in subsection 2 based on population should be done so that incorporated cities receive credit for the populations within their corporate limits and counties receive credit for populations living in the unincorporated areas of the county.

Testimony given at the adoption hearing

- One person testified and asked to add hexa hydrocannabinol to the list of substances tested because it causes users to become sick.
- One person testified that tracking of purchases is too restrictive and causes users to turn to the black market.
- One person testified that advertising is too restrictive; the requirement to submit every advertisement to the Department is excessive and the time for approval by the Department is between 4 to 6 weeks which is too long; language is vague as to whether non marijuana product also needs to follow label requirements.
- One person testified that the language regarding sale of seeds and plants is vague.
- One person testified that unusable marijuana should be allowed to be recycled into various products.
- Seventeen people testified that the language related to scoring entities to determine which entity will receive a retail marijuana store license is vague and ambiguous; application process should be fair and impartial; the scoring does not represent the Nevada population; percentage allowed for each scoring category should be listed out in the regulation; many dispensaries already have cultivation license and end up buying their own product which eliminates the competition and creates a monopoly; vertical integration results in dispensaries having complete control of pricing.
- One person testified that the testing for Aspergillus results in a zero tolerance policy; the decision to test this product is based on a white paper from Colorado and not based on peer review or science. Thus, the testing requirement does not increase safety for the patient and is overly burdensome on industry.
- One person testified that section 86 subsection 5 regarding summary search and seizure power is too broad.
- Four people testified that they support the regulation and understand that the Department will work with industry to implement the regulations.

- One person testified and asked for language that allows for a third party or intermediary business to advertise delivery to consumers provided that the advertising lists the name of the licensed retail marijuana store and that any digital platform or other platform used meets the publicly disclosed criteria for such delivery as approved by the Department.
- One person requested deletion of Section 242 that relates to confidentiality of any person who facilitates or delivers services.
- One person requested that section 235 that relates to local government distribution should be related to the direct costs to the local government for safety.

An audio recording of the workshop and adoption hearing, or a copy of the record of proceedings of the adoption hearing, may be obtained by calling the Nevada Department of Taxation at (775) 684-2059, or by writing to the Department of Taxation at 1550 East College Parkway, Carson City, Nevada 89706. They may also be obtained by going to the Department's website <https://tax.nv.gov/uploadedFiles/taxnv.gov/Content/FAQs/R-092-17-V6-Department-Track-Changes.pdf> or e-mailing the Department at ghritz@tax.state.nv.us

3. **The number of persons who**
 - (a) **Attended the hearing:** 144
 - (b) **Testified at the hearing:** 27
 - (c) **Submitted written comments:** 6
4. **Contact information for each person identified in paragraphs (b) and (c) of number 3 above, if such information was provided to the agency conducting the hearing:**

Testified at the adoption hearing:

Cindy Brown
 Telephone number: 702-722-0166
 Business address: not provided
 Electronic mail address: abigpurplediamond@yahoo.com
 Name of entity or organization represented: patients

Jefferson W. Boswell
 Telephone number: 702-990-7272
 Business address: 3333 E Serene Avenue, Suite 200, Henderson, NV 89074
 Electronic mail address: jboswell@peelbrimley.com
 Name of entity or organization represented: Fairness in the Cannabis Industry, LLC

Mikel Alvarez
 Telephone number: 702-985-7097
 Business address: 1921 Western Avenue, Las Vegas, NV 89102
 Electronic mail address: mikel@terratechcorp.com
 Name of entity or organization represented: Terra Tech

Frank Fosco
 Telephone number: not provided
 Business address: not provided
 Electronic mail address: not provided
 Name of entity or organization represented: citizens of Nevada

Dr. Nick Spirtos
Telephone number: 702-326-0585
Business address: 4240 W Flamingo Road, Suite 100, Las Vegas, NV 89103
Electronic mail address: nspirtos@wccenter.com
Name of entity or organization represented: The Apothecary Shoppe

Mark Bradley
Telephone number: 702-840-3271
Business address: 1771 E Flamingo Road, Suite 201A, Las Vegas, NV 89119
Electronic mail address: mbradley@playersnetwork.com
Name of entity or organization represented: Players Network and Green Leaf Farms

Amanda Connor
Telephone number: 702-750-9139
Business address: 710 Coronado Center Drive, Suite 121, Henderson, NV 89052
Electronic mail address: Amanda@connorpllc.com
Name of entity or organization represented: Nevada Cannabis Coalition

Michael Abrahams
Telephone number: 727-480-2576
Business address: 1816 Wincanton Drive, Las Vegas, NV 89134
Electronic mail address: abrams@growsmith.com
Name of entity or organization represented: Growsmith

Brett Pojunis
Telephone number: 202-505-3606 / 702-840-3272
Business address: 1771 E Flamingo Road, Suite 201A, Las Vegas, NV 89119
Electronic mail address: pojunis@gmail.com
Name of entity or organization represented: Libertarian party/Players Network

Jim Wadhams
Telephone number: 702-683-3020
Business address: 300 S Fourth Street, Suite 1400, Las Vegas, NV 89101
Electronic mail address: jwadhams@fclaw.com
Name of entity or organization represented: Clear River

Steve Rosen
Telephone number: 702-796-1016
Business address: 6720 Placid Street, Las Vegas, NV 89119
Electronic mail address: Stevenson1@me.com
Name of entity or organization represented: THC Nevada

Geoffrey Lawrence
Telephone number: 202-459-7887
Business address: 1771 E Flamingo Road, Suite 201A, Las Vegas, NV 89119
Electronic mail address:
Name of entity or organization represented: Players Network

Dayvid Figler
Telephone number: 702-222-0007
Business address: 615 S. Sixth Street, Las Vegas, NV 89101
Electronic mail address: not provided
Name of entity or organization represented: Silver Sage LLC

Andrew Hallenbeck
Telephone number: 702-521-6160
Business address: 3739 Belmont Street, Las Vegas, NV 85030
Electronic mail address: Andrewsensvegas@gmail.com
Name of entity or organization represented: Green Leaf Farms

Jennifer Solas
Telephone number: 702-767-7462
Business address: 1771 E Flamingo, Suite 201A, Las Vegas, NV 89117
Electronic mail address: jens@wecan720.org
Name of entity or organization represented: WeCan (Wellness Education Cannabis Advocates of Nevada)

Craig Rombough
Telephone number: 702-810-8500
Business address: 6265 Saddle Tree Drive, Las Vegas, NV 89118
Electronic mail address: MotherHerbLV@aol.com
Name of entity or organization represented: Mother Herb

Jeramy Edgel
Telephone number: 702-825-1608
Business address: 5645 W Alexander Road, Las Vegas, NV 89130
Electronic mail address: not provided
Name of entity or organization represented: Fairness in the Cannabis Industry LLC

Jason Henslee
Telephone number: not provided
Business address: not provided
Electronic mail address: Jason_vegas@hotmail.com
Name of entity or organization represented: citizens of Nevada

Irene Rombough
Telephone number: 702-810-8500
Business address: 6265 Saddle Tree Drive, Las Vegas, NV 89118
Electronic mail address: irenerombough10@aol.com
Name of entity or organization represented: Mother Herb

Jason Sturtsman
Telephone number: not provided
Business address: 3640 Rainy River Road, Las Vegas, NV 89108
Electronic mail address: not provided
Name of entity or organization represented: WeCan (Wellness Education Cannabis Advocates of Nevada)

Joshua Hicks
Telephone number: 775-788-2000
Business address: 100 West Liberty Street, 10th Floor, Reno, NV 89501
Electronic mail address: jhicks@mcdonaldcarano.com
Name of entity or organization represented: Eaze Solutions

Barry Smith
Telephone number: 775-885-0866
Business address: 102 N. Curry Street, Carson City, NV 89703
Electronic mail address: Nevadapress@att.net
Name of entity or organization represented: Nevada Press Association

Wes Henderson
Telephone number: 775-881-8273
Business address: 310 S Curry Street, Carson City, NV 89703
Electronic mail address: whenderson@nvleague.org
Name of entity or organization represented: NV League of Cities

Will Adler
Telephone number: 775-230-0247
Business address: 412 N Division Street, Carson City, NV 89703
Electronic mail address: will@ssgr.us
Name of entity or organization represented: Sierra Cannabis Coalition

Riana Durrett
Telephone number: 702-782-4180
Business address: 521 S 7th Street, Las Vegas, NV 89101
Electronic mail address: Riana@nvdispense.com
Name of entity or organization represented: Nevada Dispensary Association

Brett Scolari
Telephone number: 702-735-9931
Business address: 3400 Western Avenue, Las Vegas, NV 89109
Electronic mail address: bscolari@trykecompanies.com
Name of entity or organization represented: Tryke Companies

Pat Lynch
Telephone number: 775-219-0014
Business address: not provided
Electronic mail address: not provided
Name of entity or organization represented: Women's Radio

Provided written comments:

Jefferson W. Boswell
Telephone number: 702-990-7272
Business address: 3333 E Serene Avenue, Suite 200, Henderson, NV 89074
Electronic mail address: jboswell@peelbrimley.com
Name of entity or organization represented: Fairness in the Cannabis Industry, LLC

Josh Hicks

Telephone number: 775-788-2000

Business address: 100 West Liberty Street, 10th Floor, Reno, NV 89501

Electronic mail address: jhicks@mcwlaw.com

Name of entity or organization represented: Eaze Solutions, Inc.

Barry Smith

Telephone number: 775-885-0866

Business address: 102 N. Curry Street, Carson City, NV 89703

Electronic mail address: Nevadapress@att.net

Name of entity or organization represented: Nevada Press Association

Susan Hays

Telephone number: 866-721-0297

Business address: 3550 W Teco Ave, Las Vegas, NV 89118

Electronic mail address: info@gbsciences.com

Name of entity or organization represented: GBSciences, Inc.

Mark Bradley

Telephone number: 702-840-3271

Business address: 1771 E Flamingo Road, Suite 201A, Las Vegas, NV 89119

Electronic mail address: mbradley@playersnetwork.com

Name of entity or organization represented: Players Network and Green Leaf Farms

Wes Henderson

Telephone number: 775-881-8273

Business address: 310 S Curry Street, Carson City, NV 89703

Electronic mail address: whenderson@nvleague.org

Name of entity or organization represented: NV League of Cities

The written comments can be obtained by calling the Nevada Department of Taxation at (775) 684-2030 or by writing to the Department of Taxation at 1550 East College Parkway, Carson City, Nevada 89706. They may also be obtained by going to the Department's website https://tax.nv.gov/FAQs/Marijuana_Proposed_Temporary_Regulation_T002-17/ or e-mailing the Department at ghritz@tax.state.nv.us.

5. **A description of how comment was solicited from affected businesses, a summary of their responses and an explanation of how other interested persons may obtain a copy of the summary**

In July 2017, the Department of Taxation prepared and disseminated draft language for the proposed permanent regulation R092-17 seeking input and information from small businesses regarding the impact of the language. The notice of workshop, agenda and proposed language were:

- Emailed by the Department to 264 members of its interested parties list, including members of a marijuana-specific interested parties list of 511
- Emailed by the Nevada Taxpayers Association to its list of interested parties

The workshops on the proposed language were held on the following dates:

- **Monday July 24, 2017**
 - Definitions
 - Application and licensing requirements & education and training
 - Civil penalties, security, disposal, and taxes
- **Tuesday July 25, 2017**
 - Distribution, delivery, and storage
 - Retail stores
- **Wednesday July 26, 2017**
 - Cultivation facilities
 - Testing facilities
- **Thursday July 27, 2017**
 - Product manufacturing facilities
 - Packaging and labeling & signage, marketing, and advertising
 -

Thirteen (13) interested parties submitted public comment. Eleven (11) of the responses were from Nevada-based marijuana businesses or their representatives, one response was from local government, and one response was from a medical marijuana patient advocate.

The content of the responses can be summarized into the following major themes:

- **Labels and Packaging** - Respondents said that fruit images should be allowed on labels and packaging; requiring both stamping and individually wrapped edibles is excessive; provide alternatives to packaging of glass bottles and liquids; allow a smaller font size for smaller products; allowing variance of +/- 15% is overly broad.
- **Department Preapproval** - Respondents asked to add animals to the allowable images for logos or names; approve logos of licensed product from another state; clarify what sources for non-marijuana ingredients need approval; allow for branded products to be sold at retail marijuana stores; shortened review time.
- **Definitions** - Respondents asked to include that industrial hemp is not marijuana; update growing unit definition.
- **Disposal** - Respondents asked to provide alternatives to grinding roots and stalks; require notice to the Department of unusable marijuana; provide the ability to return product if unusable.
- **Penalties** - Respondents asked to remove language regarding impaired staff; add bad faith complaints; allow establishments to obtain investigative file during discovery; do not issue civil penalties unless establishment is grossly negligent, refuses to correct violations, or repeatedly violates the same regulation.
- **Concentrated Cannabis** - Respondents asked to increase the purchase limit of THC in concentrated cannabis and that total THC concentration should be noted in a percentage and the total quantity of THC noted in milligrams as appropriate for the product.

- **Advertising** - Respondents said that fruit images should be allowed in advertising; photographs of approved products should be acceptable; allow submission of data on youth viewership for advertising approval; do not require preapproval if falls within advertising guidelines; do not require preapproval of social media, websites, blog posts, e-mails, and text updates; consider not allowing advertising on motor vehicles used for private transportation.
- **Distributor Requirements** - Respondents asked to adjust amount required for liquid assets; maximum load limits should be changed; do not require distributor vehicles to maintain a temperature of 41 degrees; cash management for transportation/distribution (trackable/traceable to a specific customer and invoice) should be included in the regulations.
- **Application and Licensing** - Respondents asked that we give preference for an establishment who has local government approval but no medical marijuana registration certificate; add additional reasons when a license will not be renewed.
- **Testing** - Respondents requested that we keep testing consistent with medical marijuana regulations; update minimum sample size; remove shelf-life testing; remove the requirement to test for any pesticide not approved by the Department of Agriculture at any detectable amount.
- **Local Governments** - Respondents asked that we prohibit outdoor cultivation; include local authorities during inspection; notify law enforcement of surveillance system malfunctions; provide application information for both establishments and agent cards to local government; provide a fee to the local fire protection agency; allow for local inspections.
- **Taxes** - Respondents requested that we clarify that retail excise tax does not apply to non-marijuana products.

Anyone interested in obtaining a copy of the summary of responses can call the Nevada Department of Taxation at (775) 684-2059 or write to the Department at 1550 East College Parkway, Carson City, Nevada 89706, or e-mail the Department at ghritz@tax.state.nv.us

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change**

The Department adopted the proposed regulation with extensive changes made after the workshop and public comment period. The changes were made to address many of the themes identified in item #5 above. After further consideration, research and analysis, if a requested change was not made, it was rejected because it did not comply with the statutory provision or was not in the interest of public health and safety.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public:**

- (a) **The estimated adverse and beneficial economic effect**

To business:

The proposed permanent regulation presents no foreseeable or anticipated adverse economic effect on the businesses which it is to regulate. On the other hand, the businesses that qualify for

marijuana establishment licenses will realize the beneficial economic effects of expanding from a medical-only market into a medical and adult-use market.

To the public:

There is no foreseeable or anticipated adverse economic effect to the public. Conversely, the proposed permanent regulation provides a beneficial economic effect to the public by providing the public an opportunity to purchase lab-tested product from a state-licensed and regulated retailer. Excess program revenues are transferred to the State Distributive School Account, and revenue from the retail excise tax is transferred to the state's "Rainy Day" fund.

(b) Estimated immediate and long term economic effect

To business:

The businesses that qualify for marijuana establishment licenses will realize immediate economic effects of expanding from a medical-only market into a medical and adult-use market. The proposed permanent regulation presents no foreseeable or anticipated long term economic effects to business.

To the public:

The public will realize an immediate economic effect of increased public safety and protection due to the stringent regulatory requirements. The proposed permanent regulation presents no foreseeable or anticipated long term economic effects to the public.

8. The estimated cost to the agency for enforcement of the proposed regulation

The proposed permanent regulation presents no significant anticipated cost or decrease in costs for enforcement other than the costs to implement the statutory provision.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary; If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency

In some cases, the regulation does overlap or duplicate the medical marijuana provisions found in NRS 453A and NAC 453A and to the extent possible mirrors those regulations so as not to subject businesses with dual medical and adult-use licenses with conflicting regulations. The overlap is necessary because medical marijuana provisions are provided in NRS and NAC 453A and adult-use provision are found in NRS and NAC 453D.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

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

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

Section 85 provides for the reimbursement of costs incurred by the Department to conduct a preliminary

walk-through prior to an inspection; Section 92 provides for the reimbursement of all costs incurred by the Department to review or investigate a change in ownership; Section 94 provides for an application fee for an agent card; Section 102 allows a fee for the oversight of a marijuana establishment; Section 109 requires the marijuana establishment to pay a fee assessed by the independent contractor for using the seed-to-sale tracking system; Section 115 provides for reimbursement of all costs incurred by the State or a locality in cleaning up, mitigating or remedying any environmental damage; Section 240 allows for the Department to collect a fee for costs of investigating a complaint. These fees are not additional fees but mirror the fees provided for in NRS 453A and NAC 453A to bring the adult-use marijuana program into conformity with the medical marijuana program. As such, the Department does not believe there will be significant additional revenue generated. All fees will be deposited in accordance with NRS 453D.

EXHIBIT 2



BRIAN SANDOVAL
Governor
JAMES DEVOLLO
Chair, Nevada Tax Commission
WILLIAM D. ANDERSON
Executive Director

**STATE OF NEVADA
DEPARTMENT OF TAXATION**

Web Site: <https://tax.nv.gov>

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Carson City, Nevada 89706-7937
Phone: (775) 684-2000 Fax: (775) 684-2020

LAS VEGAS OFFICE
Grant Sawyer Office Building, Suite 1300
555 E. Washington Avenue
Las Vegas, Nevada 89101
Phone: (702) 486-2300 Fax: (702) 486-2373

RENO OFFICE
4600 Kietzke Lane
Building L, Suite 235
Reno, Nevada 89502
Phone: (775) 687-9999
Fax: (775) 688-1303

HENDERSON OFFICE
2550 Paseo Verde Parkway, Suite 180
Henderson, Nevada 89074
Phone: (702) 486-2300
Fax: (702) 486-3377

Recreational Marijuana Establishment License Application Recreational Retail Marijuana Store Only

Release Date: July 6, 2018

Application Period: September 7, 2018 through September 20, 2018

(Business Days M-F, 8:00 A.M. - 5:00 P.M.)

For additional information, please contact:

Marijuana Enforcement Division
State of Nevada Department of Taxation
1550 College Parkway, Suite 115
Carson City, NV 89706

marijuana@tax.state.nv.us



BRIAN SANDOVAL
Governor
JAMES DEVOLLO
Chair, Nevada Tax Commission
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STATE OF NEVADA DEPARTMENT OF TAXATION

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RENO OFFICE
4600 Kietzke Lane
Building L, Suite 235
Reno, Nevada 89502
Phone: (775) 687-9999
Fax: (775) 688-1303

HENDERSON OFFICE
2550 Paseo Verde Parkway, Suite 180
Henderson, Nevada 89074
Phone: (702) 486-2300
Fax: (702) 486-3377

APPLICANT INFORMATION

Provide all requested information in the space next to each numbered question. The information in Sections V1 through V10 will be used for application questions and updates. Type or print responses. **Include this applicant information sheet in Tab III of the Identified Criteria Response (Page 10).**

| | | |
|--|---|-------|
| V1 | Company Name: | |
| V2 | Street Address: | |
| V3 | City, State, ZIP: | |
| V4 | Telephone: () _____ - _____ ext: _____ | |
| V5 | Email Address: | |
| V6 | Toll Free Number: () _____ - _____ ext: _____ | |
| Contact person who will provide information, sign, or ensure actions are taken pursuant to R092-17 & NRS 453D | | |
| V7 | Name: | |
| | Title: | |
| | Street Address: | |
| | City, State, ZIP: | |
| V8 | Email Address: | |
| V9 | Telephone number for contact person: () _____ - _____ ext: _____ | |
| V10 | Signature: | Date: |



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1. TERMS AND DEFINITIONS

For the purposes of this application, the following acronyms/definitions will be used.

| TERMS | DEFINITIONS |
|--|---|
| <i>Applicant</i> | Organization/individual submitting an application in response to this request for application. |
| <i>Awarded applicant</i> | The organization/individual that is awarded and has an approved conditional license with the State of Nevada for the establishment type identified in this application. |
| <i>Confidential information</i> | Any information relating to building or product security submitted in support of a recreational marijuana establishment license. |
| <i>Department</i> | The State of Nevada Department of Taxation. |
| <i>Edible marijuana products</i> | Products that contain marijuana or an extract thereof and are intended for human consumption by oral ingestion and are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products. |
| <i>Enclosed, locked facility</i> | A closet, display case, room, greenhouse, or other enclosed area equipped with locks or other security devices which allow access only by a recreational marijuana establishment agent and the holder of a valid registry identification card. |
| <i>Establishment license approval to operate date</i> | The date the State Department of Taxation officially gives the approval to operate based on approval of the local jurisdiction and successful fulfillment of all approval-to-operate instructions between the Department and the successful applicant. |
| <i>Conditional establishment license award date</i> | The date when applicants are notified that a recreational marijuana establishment conditional license has been successfully awarded and is awaiting approval of the local jurisdiction and successful fulfillment of all approval-to-operate instructions. |
| <i>Evaluation committee</i> | An independent committee comprised of state officers or employees and contracted professionals established to evaluate and score applications submitted in response to this request for applications. |
| <i>Excluded felony offense</i> | A crime of violence or a violation of a state or federal law pertaining to controlled substances if the law was punishable as a felony in the jurisdiction where the person was convicted. The term does not include a criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed more than 10 years before or an offense involving conduct that would be immune from arrest, prosecution or penalty, except that the conduct occurred before April 1, 2014 or was prosecuted by an authority other than the State of Nevada. |



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| | |
|--|--|
| <i>Facility for the production of edible marijuana products or marijuana infused products</i> | A business that is registered/licensed with the Department and acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells edible marijuana products or marijuana-infused products to recreational marijuana retail stores. |
| <i>Identifiers or Identified Criteria Response</i> | A non-identified response, such as assignment of letters, numbers, job title or generic business type, to assure the identity of a person or business remains unidentifiable. Assignment of identifiers will be application-specific and will be communicated in the application in the identifier legend. |
| <i>Marijuana Testing Facility</i> | Means an entity licensed to test marijuana and marijuana products, including for potency and contaminants. |
| <i>Inventory control system</i> | A process, device or other contrivance that may be used to monitor the chain of custody of marijuana used for recreational purposes from the point of cultivation to the end consumer. |
| <i>Marijuana</i> | All parts of any plant of the genus Cannabis, whether growing or not, and the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted there from), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. "Marijuana" does not include industrial hemp as defined in NRS 557.040, and grown or cultivated pursuant to Chapter 557 of NRS. |
| <i>Marijuana-infused products</i> | Products that are infused with marijuana or an extract thereof and are intended for use or consumption by humans through means other than inhalation or oral ingestion. The term includes topical products, ointments, oils and tinctures. |
| <i>May</i> | Indicates something that is recommended but not mandatory. If the applicant fails to provide recommended information, the Department may, at its sole discretion, ask the applicant to provide the information or evaluate the application without the information. |
| <i>Medical use of marijuana</i> | The possession, delivery, production or use of marijuana; the possession, delivery or use of paraphernalia used to administer marijuana, as necessary, for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition. |



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| | |
|--|--|
| <i>Must</i> | Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of an application as non-responsive. |
| <i>NAC</i> | Nevada Administrative Code. All applicable NAC documentation may be reviewed via the internet at: http://www.leg.state.nv.us/NAC/CHAPTERS.HTML |
| <i>Non-Identified Criteria Response</i> | A response to the application in which no information is included pertaining to identifiable information for any and all owners, officers, board members or employees and business details (proposed business name(s), D/B/A, current or previous business names or employers). Identifiers that must be removed from the application include all names; specific geographic details including street address, city, county, precinct, ZIP code, and their equivalent geocodes; telephone numbers; fax numbers; email addresses; social security numbers; financial account numbers; certificate/license numbers; vehicle identifiers and serial numbers including license plate numbers; Web Universal Resource Locators (URLs); Internet Protocol (IP) addresses; biometric identifiers including finger and voice prints, full-face photographs and any comparable images; previous or proposed company logos, images or graphics; and, any other unique identifying information, images, logos, details, numbers, characteristics, or codes. |
| <i>NRS</i> | Nevada Revised Statutes. All applicable NRS documentation may be reviewed via the internet at: http://www.leg.state.nv.us/NRS/ . |
| <i>Pacific Time (PT)</i> | Unless otherwise stated, all references to time in this request for applications and any subsequent award of license are understood to be Pacific Time. |
| <i>Recreational marijuana retail store</i> | Means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers. |
| <i>Recreational marijuana establishment</i> | Means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store. |
| <i>Recreational marijuana establishment agent</i> | Means an owner, officer, board member, employee or volunteer of a marijuana establishment, an independent contractor who provides labor relating to the cultivation, processing or distribution of marijuana or the production of marijuana or marijuana products for a marijuana establishment or an employee of such an independent contractor. The term does not include a consultant who performs professional services for a recreational marijuana establishment. |



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| | |
|--|--|
| <i>Recreational marijuana establishment agent registration card</i> | A registration card that is issued by the Department pursuant to R092-17, Sec. 94 to authorize a person to volunteer or work at a recreational marijuana establishment. |
| <i>Recreational marijuana establishment license</i> | A license that is issued by the Department pursuant to NRS 453D and R092-17 to authorize the operation of a recreational marijuana establishment. |
| <i>Shall</i> | Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of an application as non-responsive. |
| <i>Should</i> | Indicates something that is recommended but not mandatory. If the applicant fails to provide recommended information the Department may, at its sole discretion, ask the applicant to provide the information or evaluate the application without the information. |
| <i>State</i> | The State of Nevada and any agency identified herein. |
| <i>Will</i> | Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of an application as non-responsive. |



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2. APPLICATION OVERVIEW

The Nevada State Legislature passed a number of bills during the 2017 session which affect the licensing, regulation and operation of recreational marijuana establishments in the state. In addition, the Department of Taxation has approved regulations effective February of 2018. Legislation changes relevant to this application include but are not limited to the following:

Assembly Bill 422 (AB422):

- Transfers responsibility for registration/licensing and regulation of marijuana establishments from the State of Nevada's Division of Public and Behavioral Health (DPBH) to the Department of Taxation.
- Adds diversity of race, ethnicity, or gender of applicants (owners, officers, board members) to the existing merit criteria for the evaluation of marijuana establishment registration certificates.

LCB File No. Regulation R092-17:

- On or before November 15, 2018, a person who holds a medical marijuana establishment registration certificate may apply for one or more licenses, in addition to a license issued pursuant to section 77 of the regulation, for a marijuana establishment of the same type or for one or more licenses for a marijuana establishment of a different type.

No applicant may be awarded more than 1 (one) retail store license in a jurisdiction/locality, unless there are less applicants than licenses allowed in the jurisdiction.

The Department is seeking applications from qualified applicants in conjunction with this application process for recreational marijuana retail store license. If a marijuana establishment has not received a final inspection within 12 months after the date on which the Department issued a license, the establishment must surrender the license to the Department. The Department may extend the period specified in R092-17, Sec. 87 if the Department, in its discretion, determines that extenuating circumstances prevented the marijuana establishment from receiving a final inspection within the period.

3. APPLICATION TIMELINE

The following represents the timeline for this project. All times stated are in Pacific Time (PT).

| Task | Date/Time |
|--|--|
| Request for application date | July 6, 2018 |
| Opening of 10-day window for receipt of applications | September 7, 2018 |
| Deadline for submission of applications | September 20, 2018 – 5:00 p.m. |
| Application evaluation period | September 7, 2018 – December 5, 2018 |
| Conditional licenses award notification | Not later than December 5, 2018 |
| Anticipated approximate fully operational deadline | 12 months after notification date of conditional license |



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4. APPLICATION INSTRUCTIONS

The State of Nevada Department of Taxation is seeking applications from qualified applicants to award recreational marijuana retail store licenses.

The Department anticipates awarding a recreational marijuana retail store license in conjunction with this application as determined by the applicant's establishment type, geographic location and the best interest of the State. Therefore, applicants are encouraged to be as specific as possible regarding services provided, geographic location, and information submitted for each application merit criteria category.

Pursuant to section 78 subsection 12 of R092-17, the application must include the signature of a natural person for the proposed marijuana establishment as described in subsection 1 of section 74 of R092-17.

5. APPLICATION REQUIREMENTS, FORMAT AND CONTENT

5.1. General Submission Requirements

- 5.1.1. Applications must be packaged and submitted in counterparts; therefore, applicants must pay close attention to the submission requirements. Applications will have an Identified Criteria Response and a Non-Identified Criteria Response. Applicants must submit their application separated into the two (2) required sections, Identified Criteria Responses and Non-Identified Criteria Responses, recorded to separate electronic media (CD-Rs or USB thumb drives).
- 5.1.2. The required electronic media must contain information as specified in Section 5.4, and must be packaged and submitted in accordance with the requirements listed at Section 5.5.
- 5.1.3. Detailed instructions on application submission and packaging are provided below. Applicants must submit their applications as identified in the following sections.
- 5.1.4. All information is to be completed as requested.
- 5.1.5. Each section within the Identified Criteria Response and the Non-Identified Criteria Response must be saved as separate PDF files, one for each required "Tab". The filename will include the tab number and title (e.g., 5.2.1 Tab I – Title Page.pdf).
- 5.1.6. For ease of evaluation, the application must be presented in a format that corresponds to and references the sections outlined within the submission requirements section and must be presented in the same order. Written responses must be typed and placed immediately following the applicable criteria question, statement and/or section.
- 5.1.7. Applications are to be prepared in such a way as to provide a straightforward, concise delineation of information to satisfy the requirements of this application.
- 5.1.8. In a Non-Identified Criteria Response, when a specific person or company is referenced the identity must remain confidential. A person may be addressed through their position, discipline or job title, or assigned an identifier. Identifiers assigned to people or companies must be detailed in a legend (Attachment H) to be submitted in the Identified Criteria Response section.
- 5.1.9. Materials not requested in the application process will not be reviewed.



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5.2. Part I – General Criteria Response

The IDENTIFIED CRITERIA RESPONSE must include:

- Electronic media (CD-R or thumb drive) containing only the Identified Criteria Response.
- Do not password protect electronic media or individual files.
- The response must contain separate PDF files for each of the tabbed sections as described below.

5.2.1. Tab I – Title Page

The title page must include the following:

| Part I – Identified Criteria Response | |
|---------------------------------------|--|
| Application Title: | A Recreational Marijuana Establishment License |
| Applicant Name: | |
| Address: | |
| Application Opening Date and Time: | September 7, 2018 |
| Application Closing Date and Time: | September 20, 2018 |

5.2.2. Tab II – Table of Contents

An accurate table of contents must be provided in this tab.

5.2.3. Tab III – Applicant Information Sheet (Page 2)

The completed Applicant Information Sheet signed by the contact person who is responsible for providing information, signing documents, or ensuring actions are taken pursuant to R092-17, Sec. 74 must be included in this tab.

5.2.4. Tab IV – Recreational Marijuana Establishment License Application (Attachment A)

The completed and signed Recreational Marijuana Establishment License Application must be included in this tab.

5.2.5. Tab V – Multi-Establishment Limitations Form (Attachment F)

If applicable, a copy of the Multi-Establishment Limitations Form must be included in this tab. If not applicable, please insert a plain page with the words “Not applicable.”

5.2.6. Tab VI – Identifier Legend (Attachment H)

If applicable, a copy of the Identifier Legend must be included in this tab. If not applicable, please insert a page with the words “Not Applicable”.



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- 5.2.7. **Tab VII – Confirmation that the applicant has registered with the Secretary of State**
Documentation that the applicant has registered as the appropriate type of business and the Articles of Incorporation, Articles of Organization, Operating Agreements, or partnership or joint venture documents of the applicant must be included in this tab.
- 5.2.8. **Tab VIII– Documentation of liquid assets**
Documentation demonstrating the liquid assets and the source of those liquid assets from a financial institution in this state or in any other state or the District of Columbia must be included in this tab and demonstrate the following criteria :
- 5.2.8.1. That the applicant has at least \$250,000 in liquid assets which are unencumbered and can be converted within 30 days after a request to liquidate such assets; and
- 5.2.8.2. The source of those liquid assets.
- Note: If applying for more than one recreational marijuana establishment license, available funds must be shown for each establishment application.*
- 5.2.9. **Tab IX – Evidence of taxes paid; other beneficial financial contributions**
Evidence of the amount of taxes paid and/or other beneficial financial contributions made to the State of Nevada or its political subdivisions within the last five years by the applicant or the persons who are proposed to be owners, officers or board members of the establishment must be included in this tab.
- 5.2.10. **Tab X – Organizational structure and owner, officer or board member information**
The description of the proposed organizational structure of the proposed recreational marijuana establishment and information concerning each owner, officer and board member of the proposed recreational marijuana establishment must be included in this tab and demonstrate the following criteria:
- 5.2.10.1. An organizational chart showing all owners, officers and board members of the recreational marijuana establishment including percentage of ownership for each individual.
- 5.2.10.2. An Owner, Officer and Board Member Attestation Form must be completed for each individual named in this application (Attachment B).
- 5.2.10.3. The supplemental Owner, Officer and Board Member Information Form should be completed for each individual named in this application. This attachment must also include the diversity information required by R092-17, Sec. 80.1(b) (Attachment C).
- 5.2.10.4. A resume, including educational level and achievements for each owner, officer and board member must be completed for each individual named in this application.
- 5.2.10.5. Narrative descriptions not to exceed 750 words demonstrating the following:
- 5.2.10.5.1. Past experience working with government agencies and highlighting past community involvement.



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- 5.2.10.5.2. Any previous experience at operating other businesses or non-profit organizations, including marijuana industry experience.
- 5.2.10.6. A Request and Consent to Release Application Form for Recreational Marijuana Establishment License(s) for each owner, officer and board member should be completed for each individual named in this application (Attachment D).
- 5.2.10.7. A copy of each individual's completed fingerprint submission form demonstrating he or she has submitted fingerprints to the Nevada Department of Public Safety. Agent cards will not be accepted.

5.2.11. **Tab XI – Financial plan**

A financial plan must be included in this tab which includes:

- 5.2.11.1. Financial statements showing the resources of the applicant, both liquid and illiquid.
- 5.2.11.2. If the applicant is relying on funds from an owner, officer, board member or any other source, evidence that such person has unconditionally committed such funds to the use of the applicant in the event the Department awards a recreational marijuana establishment license to the applicant.
- 5.2.11.3. Proof that the applicant has adequate funds to cover all expenses and costs of the first year of operation.

5.2.12. **Tab XII – Name, signage and advertising plan**

A proposal of the applicant's name, signage and advertising plan which will be used in the daily operations of the recreational marijuana establishment on the form supplied by the Department (Attachment G) must be included in this tab.

Please note: This section will require approval, but will not be scored.

5.2.13. **Application Fee**

- 5.2.13.1. Include with this packet the \$5,000.00 non-refundable application fee per NRS 453D.230(1). License fee is not required until a conditional license has been awarded.

Please note: Only cash, cashier's checks and money orders made out to the "Nevada Department of Taxation" will be accepted for payment of the nonrefundable application fee.

5.3. **Part II – Non-identified Criteria Response**

The NON-IDENTIFIED CRITERIA RESPONSE must include:

- Electronic media (CD-R or thumb drive) containing only the Identified Criteria Response.
- Do not password-protect electronic media or individual files.



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- The response must contain separate PDF files for each of the tabbed sections as described below:

5.3.1. **Tab I – Title Page**

Please note: Title page will not be viewed by Non-Identified Criteria evaluators.

The title page must include the following:

| Part II –Non-Identified Criteria Response | |
|---|--|
| Application Title: | A Recreational Marijuana Establishment License |
| Applicant Name: | |
| Address: | |
| Application Opening Date and Time: | September 7, 2018 |
| Application Closing Date and Time: | September 20, 2018 |

5.3.2. **Tab II – Table of Contents**

An accurate table of contents must be provided in this tab.

5.3.3. **Tab III – Building/Establishment information**

Documentation concerning the adequacy of the size of the proposed recreational marijuana establishment to serve the needs of persons who are authorized to engage in the use of marijuana must be included in this tab. The content of this response must be in a non-identified format and include general floor plans with all supporting details

Please note: The size or square footage of the proposed establishment should include the maximum size of the proposed operation. The start-up plans and potential expansion should be clearly stated to prevent needless misunderstandings and surrendering of certification.

5.3.4. **Tab IV – Care, quality and safekeeping of marijuana from seed to sale plan**

Documentation concerning the integrated plan of the proposed recreational marijuana establishment for the care, quality and safekeeping of recreational marijuana from seed to sale must be included in this tab. The content of this response must be in a non-identified format and include:

- 5.3.4.1. A plan for verifying and testing recreational marijuana
- 5.3.4.2. A transportation or delivery plan
- 5.3.4.3. Procedures to ensure adequate security measures for building security
- 5.3.4.4. Procedures to ensure adequate security measures for product security

5.3.5. **Tab V – System and Inventory Procedures plan**



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A plan for the operating procedures for verification system and inventory control system must be included in this tab. The content of this response must be in a **non-identified** format and include:

- 5.3.5.1. A description of the operating procedures for the verification system of the proposed marijuana establishment for verifying age.
- 5.3.5.2. A description of the inventory control system of the proposed recreational marijuana establishment.

Please note: Applicants should demonstrate a system to include thorough tracking of product movement and sales. The applicant shall demonstrate capabilities for an external interface via a secure API to allow third party software systems to report all required data into the State database to allow seamless maintenance of records and to enable a quick and accurate update on demand. The system shall account for all inventory held by an establishment in any stage of cultivation, production, display or sale as applicable for the type of establishment, and demonstrate an internal reporting system to provide the Department with comprehensive information about an establishment's inventory.

5.3.6. **Tab VI— Operations and resources plan**

Evidence that the applicant has a plan to staff and manage the proposed marijuana establishment on a daily basis must be included in this tab. The content of this response must be in a **non-identified** format and include:

- 5.3.6.1. A detailed budget for the proposed establishment including pre-opening and first year operating expenses.
- 5.3.6.2. An operations manual that demonstrates compliance with the regulations of the Department.
- 5.3.6.3. An education plan which must include providing training and educational materials to the staff of the proposed establishment.
- 5.3.6.4. A plan to minimize the environmental impact of the proposed establishment.

5.3.7. **Tab VII – Community impact and serving authorized persons in need**

A proposal demonstrating the likely impact on the community and convenience to serve the needs of persons authorized to use marijuana must be included in this tab. The content of this response must be in a **non-identified** format and include:

- 5.3.7.1. The likely impact of the proposed recreational marijuana establishment in the community in which it is proposed to be located.
- 5.3.7.2. The manner in which the proposed recreational marijuana establishment will meet the needs of the persons who are authorized to use marijuana.



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5.4. Electronic Media Requirements

Electronic media submitted as part of the application must include:

- 5.4.1. A separate CD-R or thumb drive which contains only the Identified Criteria Response.
- 5.4.2. A separate CD-R or thumb drive which contains only the Non-Identified Criteria Response.
 - 5.4.2.1. The electronic files must follow the format and content section for the Identified Criteria Response and Non-Identified Criteria Response.
 - 5.4.2.2. All electronic files must be saved in "PDF" format with separate files for each required "Tab". Individual filenames must comply with the naming requirements specified in 5.1.5 of the General Submission Requirements.
 - 5.4.2.3. CD-Rs or thumb drives will be labeled as either Identified or Non-Identified Criteria Response. Identified Criteria Responses and Non-Identified Criteria Responses must not be saved to the same CD-R or thumb drive.
 - 5.4.2.3.1. Part I – Identified Criteria Response
 - 5.4.2.3.2. Part II – Non-Identified Criteria Response
 - 5.4.2.4. Seal the Identified Criteria Response and Non-Identified Criteria Response electronic media in separate envelopes and affix labels to the envelopes per the example below:

| CDs or Thumb Drives | |
|---------------------|--|
| Application | A Recreational Marijuana Establishment License |
| Applicant Name: | |
| Address: | |
| Contents: | Part I – Identified Criteria Response OR Part II – Non-Identified Criteria Response |



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5.5. Application Packaging and Instructions

- 5.5.1. Recreational Marijuana Establishment License Applications may be mailed or dropped off in person at:

Department of Taxation
Marijuana Enforcement Division
1550 College Parkway
Carson City, NV 89706

- OR -

Department of Taxation
Marijuana Enforcement Division
555 E. Washington Ave. Ste 1300
Las Vegas, NV 89101

- 5.5.2. Applications dropped off in person at one of the two Taxation office's must be received no later than **5:00 p.m. on September 20, 2018.**
- 5.5.3. Applications mailed in to one of the two Taxation office's must be postmarked by the United States Postal Service not later than **September 20, 2018.**
- 5.5.4. If an application is sent via a different delivery service (i.e. UPS, FedEx, etc.) and does not arrive at one of the two Taxation offices by **5:00 p.m. on September 20, 2018**, the application will not be considered.
- 5.5.5. If mailing the application, combine the separately sealed Identified and Non-Identified Criteria Response envelopes into a single package suitable for mailing.
- 5.5.6. The Department will not be held responsible for application envelopes mishandled as a result of the envelope not being properly prepared.
- 5.5.7. Email, facsimile, or telephone applications will **NOT** be considered.



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6. APPLICATION EVALUATION AND AWARD PROCESS

The information in this section does not need to be returned with the applicant's application.

- 6.1. Applications shall be consistently evaluated and scored in accordance with NRS 453D, NAC 453D and R092-17 based upon the following criteria and point values.

Grey boxes are the Identified Criteria Response. White boxes are Non-Identified Criteria Response.

| Nevada Recreational Marijuana Application Criteria | Points |
|--|--------|
| The description of the proposed organizational structure of the proposed marijuana establishment and information concerning each owner, officer and board member including key personnel of the proposed marijuana establishment including the information provided pursuant to R092-17. | 60 |
| Evidence of the amount of taxes paid or other beneficial financial contributions made to the State of Nevada or its political subdivisions within the last five years by the applicant or the persons who are proposed to be owners, officers or board members of the proposed establishment. | 25 |
| A financial plan which includes: <ul style="list-style-type: none"> Financial statements showing the resources of the applicant, both liquid and illiquid. If the applicant is relying on funds from an owner, officer or board member, or any other source, evidence that such source has unconditionally committed such funds to the use of the applicant in the event the Department awards a recreational marijuana establishment license to the applicant and the applicant obtains the necessary local government approvals to operate the establishment. Proof that the applicant has adequate funds to cover all expenses and costs of the first year of operation. | 30 |
| Documentation from a financial institution in this state or in any other state or the District of Columbia which demonstrates: <ul style="list-style-type: none"> That the applicant has at least \$250,000 in liquid assets which are unencumbered and can be converted within 30 days after a request to liquidate such assets. The source of those liquid assets. | 10 |
| Documentation concerning the integrated plan of the proposed marijuana establishment for the care, quality and safekeeping of marijuana from seed to sale, including: <ul style="list-style-type: none"> A plan for testing recreational marijuana. A transportation plan. Procedures to ensure adequate security measures for building security. Procedures to ensure adequate security measures for product security. | 40 |
| <i>Please note: The content of this response must be in a non-identified format.</i> | |
| Evidence that the applicant has a plan to staff, educate and manage the proposed recreational marijuana establishment on a daily basis, which must include: <ul style="list-style-type: none"> A detailed budget for the proposed establishment including pre-opening, construction and first year operating expenses. An operations manual that demonstrates compliance with the regulations of the Department. An education plan which must include providing educational materials to the staff of the proposed establishment. A plan to minimize the environmental impact of the proposed establishment. | 30 |



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| | |
|--|------------|
| <i>Please note: The content of this response must be in a non-identified format.</i> | |
| A plan which includes: <ul style="list-style-type: none"> A description of the operating procedures for the electronic verification system of the proposed marijuana establishment. A description of the inventory control system of the proposed marijuana establishment. <i>Please note: The content of this response must be in a non-identified format.</i> | 20 |
| Documentation concerning the adequacy of the size of the proposed marijuana establishment to serve the needs of persons who are authorized to engage in the use of marijuana, including: <ul style="list-style-type: none"> Building plans with supporting details. <i>Please note: The content of this response must be in a non-identified format.</i> | 20 |
| A proposal demonstrating: <ul style="list-style-type: none"> The likely impact of the proposed marijuana establishment in the community in which it is proposed to be located. The manner in which the proposed marijuana establishment will meet the needs of the persons who are authorized to use marijuana. <i>Please note: The content of this response must be in a non-identified format.</i> | 15 |
| Application Total | 250 |
| Unweighted: <ul style="list-style-type: none"> Review plan for all names and logos for the establishment and any signage or advertisement. Review results of background check(s). Applicant has until the end of the 90-day application period to resolve background check information which may cause the application to be rejected. | |

6.2. If the Department receives more than one application for a license for a retail marijuana store in response to a request for applications made pursuant to R092-17, Sec. 76 and the Department determines that more than one of the applications is complete and in compliance with R092-17, Sec. 78 and Chapter 453D of the NRS, the Department will rank the applications within each applicable locality for any applicants which are in a jurisdiction that limits the number of retail marijuana stores in order from first to last. Ranking will be based on compliance with the provisions of R092-17 Sec. 80, Chapter 453D of NRS and on the content of the applications relating to:

- 6.2.1. Operating experience of another kind of business by the owners, officers or board members that has given them experience which is applicable to the operation of a marijuana establishment.
- 6.2.2. Diversity of the owners, officers or board members.
- 6.2.3. Evidence of the amount of taxes paid and other beneficial financial contributions.
- 6.2.4. Educational achievements of the owners, officers or board members.
- 6.2.5. The applicant's plan for care, quality and safekeeping of marijuana from seed to sale.
- 6.2.6. The financial plan and resources of the applicant, both liquid and illiquid.
- 6.2.7. The experience of key personnel that the applicant intends to employ.
- 6.2.8. Direct experience of the owners, officers or board members of a medical marijuana establishment or marijuana establishment in this State.



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- 6.3. Applications that have not demonstrated a sufficient response related to the criteria set forth above will not have additional criteria considered in determining whether to issue a license and will not move forward in the application process.
- 6.4. Any findings from a report concerning the criminal history of an applicant or person who is proposed to be an owner, officer or board member of a proposed recreational marijuana establishment that disqualify that individual from serving in that capacity will also result in the disqualification of the application. The applicant will have the opportunity to resolve such an issue within the 90-day application period.
- 6.5. The Department and evaluation committee may also contact anyone referenced in any information provided for the owners, officers and board members of the proposed establishment; contact any applicant to clarify any response; solicit information from any available source concerning any aspect of an application; and, seek and review any other information deemed pertinent to the evaluation process. The evaluation committee shall not be obligated to accept any application, but shall make an award in the best interests of the State of Nevada per Regulation R092-17 and Chapter 453D of the NRS.
- 6.6. Clarification discussions may, at the Department's sole discretion, be conducted with applicants who submit applications determined to be acceptable and competitive per R092-17, Sec. 77-80 and NRS 453D.210. Applicants shall be afforded fair and equal treatment with respect to any opportunity for discussion and/or written clarifications of applications. Such clarifications may be permitted after submissions and prior to award for the purpose of obtaining best and final ranking of applications. In conducting discussions, there shall be no disclosure of any information derived from applications submitted by competing applicants. Any clarification given for the original application during the clarification discussions will be included as part of the application.
- 6.7. The Department will issue conditional recreational marijuana establishment licenses subject to final inspection in accordance with R092-17, Sec. 87 and subject to local jurisdiction to the highest ranked applicants up to the designated number of licenses the Department plans to issue.
- 6.8. If two or more applicants have the same total number of points for the last application being awarded a conditional license, the Department shall select the applicant which has scored the highest number of points as it is related to the proposed organizational structure of the proposed marijuana establishment and the information concerning each owner, officer and board member of the proposed marijuana establishment.
- 6.9. If the Department receives only one response within a specific jurisdiction; and, if the jurisdiction limits the number of a type of establishment to one; and, statewide, if there is not a limit on the number of a type of establishments to a request for applications for recreational marijuana establishments issued pursuant to R092-17, Sec. 76 (3) within 10 business days after the Department begins accepting responses to the request for applications; and, the



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Department determines that the response is complete and in compliance with the regulations, the Department will issue a conditional license to that applicant to operate a recreational marijuana establishment in accordance with R092-17.

- 6.10. The issuance by the Department of a recreational marijuana establishment license is conditional and not an approval to begin business operations until such time as:
 - 6.10.1. The marijuana establishment is in compliance with all applicable local government ordinances and rules; and
 - 6.10.2. The local government has issued a business license or otherwise approved the applicant for the operation of the establishment.
- 6.11. If the local government does not issue business licenses and does not approve or disapprove marijuana establishments in its jurisdiction, a recreational marijuana establishment license becomes an approval to begin business operations when the marijuana establishment is in compliance with all applicable local government ordinances and rules and has fulfilled all the requirements of the approval to operate by the Department.
- 6.12. Any license resulting from this application shall not be effective until approved by the Department.



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ATTACHMENT A RECREATIONAL MARIJUANA ESTABLISHMENT APPLICATION

GENERAL INFORMATION

| | | | | | | |
|---|---------|---------|-----------|----------|--------|----------|
| Type of Marijuana Establishment: <input type="checkbox"/> Recreational Retail Marijuana Store | | | | | | |
| Marijuana Establishment's proposed physical address if the applicant owns property or has secured a lease or other property agreement (this must be a Nevada address and cannot be a P.O. Box). | | | | | | |
| City: | County: | State: | Zip Code: | | | |
| Proposed Hours of Operation : | | | | | | |
| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
| | | | | | | |

APPLYING ENTITY INFORMATION

| | | |
|---------------------------|--------------------------------------|---|
| Applying Entity's Name: | | |
| Business Organization: | <input type="checkbox"/> Individual | <input type="checkbox"/> Corp. |
| | <input type="checkbox"/> LLC | <input type="checkbox"/> Assoc. /Coop. |
| | <input type="checkbox"/> Partnership | <input type="checkbox"/> Other specify: |
| Telephone #: | E-Mail Address: | |
| State Business License #: | Expiration Date: | |
| Mailing Address: | | |
| City: | State: | Zip Code: |

DESIGNEE INFORMATION

Name of individual designated to manage agent registration card applications on behalf of the establishment.

| | | |
|------------|-------------|-----|
| Last Name: | First Name: | MI: |
|------------|-------------|-----|

SUPPLEMENTAL REQUESTS

| |
|--|
| Does the applicant agree to allow the Nevada Department of Taxation (Department) to submit supplemental requests for information? <input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|



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ATTACHMENT A (continued)

Recreational Marijuana Establishment Owner (OR), Officer (OF), Board Member (BM) Names

For each owner, officer and board member listed below, please fill out a corresponding Establishment Principal Officers and Board Members Information Form (Attachment C).

| | | | | | |
|------------|-------------|-----|----|----|----|
| Last Name: | First Name: | MI: | OR | OF | BM |
| Last Name: | First Name: | MI: | OR | OF | BM |
| Last Name: | First Name: | MI: | OR | OF | BM |
| Last Name: | First Name: | MI: | OR | OF | BM |
| Last Name: | First Name: | MI: | OR | OF | BM |
| Last Name: | First Name: | MI: | OR | OF | BM |
| Last Name: | First Name: | MI: | OR | OF | BM |
| Last Name: | First Name: | MI: | OR | OF | BM |
| Last Name: | First Name: | MI: | OR | OF | BM |
| Last Name: | First Name: | MI: | OR | OF | BM |
| Last Name: | First Name: | MI: | OR | OF | BM |
| Last Name: | First Name: | MI: | OR | OF | BM |



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ATTACHMENT A (continued)

A marijuana agent identification card or recreational marijuana establishment license issued by the Nevada Department of Taxation (Department) pursuant to R092-17, Sec. 95 does not protect the applicant from legal action by federal authorities, including possible criminal prosecution for violations of federal law for the sale, manufacture, distribution, use, dispensing, possession, etc. of marijuana.

The acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing of "recreational" marijuana under state law is lawful only if done in strict compliance with the requirements of the State Medical & Recreational Marijuana Act(s) & Regulations (NAC- 453, NRS-453D, R092-17). Any failure to comply with these requirements may result in revocation of the marijuana agent identification card or Recreational Marijuana Establishment License issued by the Department.

The issuance of a license pursuant to section 80 of R092-17 of this regulation is conditional and not an approval to begin operations as a marijuana establishment until such time as all requirements in section 83 of R092-17 are completed and approved by the Department by means of a final inspection.

The State of Nevada, including but not limited to the employees of the Department, is not facilitating or participating in any way with my acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing of marijuana.

I attest that the information provided to the Department for this Recreational Marijuana Establishment License application is true and correct.

| | |
|---------------------|----------------------|
| _____ Print Name | _____ Title |
| _____ Signature | _____ Date Signed |
| _____ Print Name | _____ Title |
| _____ Signature | _____ Date Signed |



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ATTACHMENT B OWNER, OFFICER AND BOARD MEMBER ATTESTATION FORM

I, _____ (PRINT NAME)

Attest that:

I have not been convicted of an excluded felony offense as defined in NRS 453D; and

I agree that the Department may investigate my background information by any means feasible to the Department; and

I will not divert marijuana to any individual or person who is not allowed to possess marijuana pursuant to R092-17, Sec. 94 and 453D of the NRS; and

All information provided is true and correct.

Signature of Owner, Officer or Board Member

Date Signed

| | |
|---|-------------------------------|
| State of Nevada | |
| County of _____ | |
| Signed and sworn to (or affirmed) before me on _____ (date) | |
| By _____ (name(s) of person(s) making statement) | |
| Notary Stamp | |
| | Signature of notarial officer |



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JAMES DEVOLLO
Chair, Nevada Tax Commission
WILLIAM D. ANDERSON
Executive Director

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ATTACHMENT C OWNER, OFFICER AND BOARD MEMBER INFORMATION FORM

| | | | |
|--|-------------|------------|---|
| Provide the following information for each owner, officer and board member listed on the Recreational Marijuana Establishment Application. Use as many sheets as needed. | | | |
| Last Name: | First Name: | MI: | <input type="checkbox"/> OR <input type="checkbox"/> OF <input type="checkbox"/> BM |
| Date of Birth: | Race: | Ethnicity: | |
| Gender: | | | |
| Residence Address: | | | |
| City: | County: | State: | Zip: |
| Describe the individual's title, role in the organization and the responsibilities of the position of the individual: | | | |
| | | | |
| Has this individual served as a principal officer or board member for a marijuana establishment that has had their establishment license or certificate revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| Has this individual previously had a medical marijuana establishment agent registration card or marijuana establishment agent registration card revoked <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| Is this individual an attending provider of health care currently providing written documentation for the issuance of registry identification cards or letters of approval? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| Is this individual employed by or a contractor of the Department? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| Has a copy of this individual's signed and dated Recreational Retail Marijuana Store Principal Officer or Board Member Attestation Form been submitted with this application? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| Is this individual a law enforcement officer? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| Has a copy of this individual's fingerprints on a fingerprint card been submitted to the Nevada Department of Public Safety? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| Has a copy of the Request and Consent to Release Application Form been submitted with this application? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |



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For each owner (OR), officer (OF) and board member (BM) that is currently serving as an owner, officer or board member for another medical marijuana establishment or marijuana establishment, please fill out the information below.

[illegible]



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ATTACHMENT D REQUEST AND CONSENT TO RELEASE APPLICATION FORM RECREATIONAL MARIJUANA ESTABLISHMENT LICENSE

I, _____, am the duly authorized representative of

_____ to represent and interact with the Department of Taxation (Department) on all matters and questions in relation to the Nevada Recreational Marijuana Establishment License(s) Application. I understand that R092-17, Sec. 242 makes all applications submitted to the Department confidential but that local government authorities, including but not limited to the licensing or zoning departments of cities, towns or counties, may need to review this application in order to authorize the operation of an establishment under local requirements. Therefore, I consent to the release of this application to any local governmental authority in the jurisdiction where the address listed on this application is located.

By signing this Request and Consent to Release Application Form, I hereby acknowledge and agree that the State of Nevada, its sub-departments including the Department of Taxation and its employees are not responsible for any consequences related to the release of the information identified in this consent. I further acknowledge and agree that the State and its sub-departments and its employees cannot make any guarantees or be held liable related to the confidentiality and safe keeping of this information once it is released.

Date: _____

Signature of Requestor/Applicant or Designee

| | |
|---|-------------------------------|
| State of Nevada | |
| County of _____ | |
| Signed and sworn to (or affirmed) before me on _____ (date) | |
| By _____ (name(s) of person(s) making statement) | |
| Notary Stamp | Signature of notarial officer |



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ATTACHMENT E PROPOSED ESTABLISHMENT PROPERTY ADDRESS

To be completed by the applicant for the physical address of the proposed marijuana establishment if the applicant owns property or has secured a lease or other property agreement.

Name of Individual or Entity Applying for a Marijuana Establishment License:

Physical Address of Proposed Marijuana Establishment (must be a Nevada address, not a P.O. Box):

City:

County:

State:

Zip Code:

Legal Description of the Property:



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ATTACHMENT F MULTI-ESTABLISHMENT LIMITATIONS FORM

NRS 453D.210 places a limitation on the total number of Recreational Retail Marijuana Store licenses that can be issued within each county, and R092-17, Sec. 80 (5) places limitations on the number of recreational marijuana retail stores located in any one governmental jurisdiction and a limitation on the number of licenses issued to any one person, group or entity. Due to these limitations, please list below all applications submitted from this business organization and/or persons as identified in the recreational marijuana establishment owner, officer and board member names section of Attachment A in the 10-day window of **September 7, 2018 – September 20, 2018**.

If this business organization were to not receive approval on all applications submitted, would the applicant still want approval on the applications determined by the ranking below? ☐ Yes ☐ No

Please list in order of preference for approval (use as many sheets as needed).

| | | | |
|---|---------|--------|-----------|
| Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/> | | | |
| Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.): | | | |
| City: | County: | State: | Zip Code: |

| | | | |
|---|---------|--------|-----------|
| Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/> | | | |
| Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.): | | | |
| City: | County: | State: | Zip Code: |

| | | | |
|---|---------|--------|-----------|
| Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/> | | | |
| Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.): | | | |
| City: | County: | State: | Zip Code: |

| | | | |
|---|---------|--------|-----------|
| Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/> | | | |
| Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.): | | | |
| City: | County: | State: | Zip Code: |



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**ATTACHMENT G
NAME, SIGNAGE, AND ADVERTISING PLAN FORM**

A recreational marijuana establishment must have all advertising plans approved by the Department as a requirement for approval to operate a recreational marijuana establishment. A recreational marijuana establishment shall not use:

- A name or logo unless the name or logo has been approved by the Department; or
- Any sign of advertisement unless the sign or advertisement has been approved by the Department.

Please demonstrate the Name, Signage and Advertising Plans for the proposed marijuana establishment. Additional pages and documents can be included to demonstrate the full advertising plans of the proposed establishment.



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In a Non-Identified Criteria Response, when a specific person or company is referenced, the identity must remain confidential. A person may be addressed through their position, discipline or job title, or be assigned an identifier. Identifiers assigned to people or companies must be detailed in a legend (Attachment H) to be submitted in the Identified Criteria Response section (use as many sheets as needed).

[illegible]



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ATTACHMENT I FACILITY JURISDICTION FORM

Mark the jurisdiction(s) and number of stores in each jurisdiction for which you are applying. Only one application is necessary for multiple jurisdictions and licenses, however, you must submit attachments "A" & "E" for each jurisdiction, location and the appropriate application fee for each of the jurisdictions/locality and number of licenses requested.

No applicant may be awarded more than 1 (one) retail store license in a jurisdiction/locality, unless there are less applicants than licenses allowed in the jurisdiction.

| <i>Jurisdiction</i> | <i>Indicate Number of Licenses Requested</i> | <i>Jurisdiction</i> | <i>Indicate Number of Licenses Requested</i> |
|-----------------------------|--|------------------------------|--|
| Unincorporated Clark County | | Unincorporated Washoe County | |
| City of Henderson | | City of Reno | |
| City of Las Vegas | | City of Sparks | |
| City of Mesquite | | Lander County | |
| City of North Las Vegas | | Lincoln County | |
| Carson City | | Lyon County | |
| Churchill County | | Mineral County | |
| Douglas County | | Nye County | |
| Elko County | | Pershing County | |
| Esmeralda County | | Storey County | |
| Eureka County | | White Pine County | |
| Humboldt County | | | |



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ATTACHMENT J FEDERAL LAWS AND AUTHORITIES (Apply outside of NAC 453, NAC 453A, NRS 453A, NRS 453D, R092-17)

The information in this section does not need to be returned with the applicant's application. The following is a list of federal laws and authorities with which the awarded Applicant will be required to comply.

ENVIRONMENTAL:

- Archeological and Historic Preservation Act of 1974, PL 93-291
- Clean Air Act, 42 U.S.C. 7506(c)
- Endangered Species Act 16 U.S.C. 1531, ET seq.
- Executive Order 11593, Protection and Enhancement of the Cultural Environment
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands Farmland Protection Policy Act, 7 U.S.C. 4201 ET seq.
- Fish and Wildlife Coordination Act, PL 85-624, as amended
- National Historic Preservation Act of 1966, PL 89-665, as amended
- Safe Drinking Water Act, Section 1424(e), PL 92-523, as amended

ECONOMIC:

- Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754, as amended
- Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants or Loans

SOCIAL LEGISLATION:

- Age Discrimination Act, PL 94-135 Civil Rights Act of 1964, PL 88-352
- Section 13 of PL 92-500; Prohibition against sex discrimination under the Federal Water Pollution Control Act
- Executive Order 11246, Equal Employment Opportunity
- Executive Orders 11625 and 12138, Women's and Minority Business Enterprise Rehabilitation Act of 1973, PL 93, 112

MISCELLANEOUS AUTHORITY:

- Uniform Relocation and Real Property Acquisition Policies Act of 1970, PL 91-646 Executive Order 12549 – Debarment and Suspension