

IN THE SUPREME COURT OF THE STATE OF NEVADA

In Re: D.O.T. Litigation,

WELLNESS CONNECTION OF
NEVADA, LLC,

Appellant,

vs.

CLARK NATURAL MEDICINAL
SOLUTIONS, LLC dba NUVEDA; NYE
NATURAL MEDICINAL SOLUTIONS,
LLC dba NUVEDA; CLARK NMSD, LLC
dba NUVEDA; INYO FINE CANNABIS
DISPENSARY LLC dba INYO FINE
CANNABIS DISPENSARY; DH
FLAMINGO INC.; SURTERRA
HOLDINGS INC.; TGIG, LLC; NEVADA
HOLISTIC MEDICINE, LLC; GBS
NEVADA PARTNERS, LLC; FIDELIS
HOLDINGS, LLC; GRAVITAS
NEVADA, LLC; NEVADA PURE, LLC;
MEDIFARM, LLC; MEDIFARM IV LLC;
RURAL REMEDIES LLC; THC
NEVADA LLC; HERBAL CHOICE INC.;
TRYKE COMPANIES SO NV, LLC;
NULEAF INCLINE DISPENSARY, LLC;
GREEN LEAF FARMS HOLDINGS LLC;
GREEN THERAPEUTICS LLC;
NEVCANN LLC; RED EARTH LLC;
LONE MOUNTAIN PARTNERS, LLC;
INTEGRAL ASSOCIATES, LLC dba
ESSENCE CANNABIS DISPENSARIES,
ESSENCE TROPICANA, LLC, ESSENCE
HENDERSON, LLC; THE STATE OF
NEVADA DEPARTMENT OF

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**Supreme Court Case No.:
85314**

District Court Case No.:
A-19-787004-B

CONSOLIDATED WITH:
A-18-785818-W
A-18-786357-W
A-19-786962-B
A-19-787035-C
A-19-787540-W
A-19-787726-C
A-19-801416-B

TAXATION; NEVADA ORGANIC
REMEDIES, LLC; and GREENMART OF
NEVADA NLV LLC,

Respondents.

APPELLANT’S APPENDIX – VOLUME 4 OF 14

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CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX

Vol.	Date	Document	Pages
1	01/04/2019	Complaint filed by Serenity Wellness Center, LLC; TGIG, LLC; Nuleaf Incline Dispensary, LLC; Nevada Holistic Medicine, LLC; Tryke Companies So. NV, LLC; Tryke Companies Reno, LLC; Paradise Wellness Center, LLC; GBS Nevada Partners, LLC; Fidelis Holdings, LLC; Gravitas Nevada, LLC; Nevada Pure, LLC; Medifarm, LLC	APP00001 – APP00017
1	01/04/2019	Complaint filed by ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc. dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	APP00018 – APP00166
2	01/04/2019	Complaint filed by ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc. dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	APP00167 – APP00332
3	2/8/2019	Amended Complaint filed by ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc.	APP00333 – APP00492

		dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	
4	2/8/2019	Amended Complaint filed by ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc. dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	APP00493 – APP00652
5	03/19/2019	Motion for Preliminary Injunction filed in case number A-19-786962-B by TGIG Plaintiffs	APP00653 – APP00762
5	07/11/2019	Corrected First Amended Complaint filed by Serenity Wellness Center, LLC; TGIG, LLC; Nuleaf Incline Dispensary, LLC; Nevada Holistic Medicine, LLC; Tryke Companies So. NV, LLC; Tryke Companies Reno, LLC; Paradise Wellness Center, LLC; GBS Nevada Partners, LLC; Fidelis Holdings, LLC; Gravitas Nevada, LLC; Nevada Pure, LLC; Medifarm, LLC	APP00763 – APP00780
5	08/23/2019	Findings of Fact and Conclusions of Law Granting Preliminary Injunction filed in Preliminary Injunction filed in case number A-19-786962-B	APP00781 – APP00804
6	09/06/2019	First Amended Complaint and Petition for Judicial Review and/or Writs of Certiorari, Mandamus and Prohibition filed by D.H. Flamingo, Inc. dba The Apothecary Shoppe; Clark Natural Medicinal Solutions LLC dba NuVeda; Nye Natural Medicinal Solutions LLC dba NuVeda; Clark NMSD LLC dba	APP00805 – APP00910

		NuVeda; Inyo Fine Cannabis Dispensary LLC dba INYO Fine Cannabis Dispensary; Surterra Holdings, Inc.	
6	11/26/2019	Second Amended Complaint filed by Serenity Wellness Center, LLC; TGIG, LLC; Nuleaf Incline Dispensary, LLC; Nevada Holistic Medicine, LLC; Tryke Companies So. NV, LLC; Tryke Companies Reno, LLC; Paradise Wellness Center, LLC; GBS Nevada Partners, LLC; Fidelis Holdings, LLC; Gravitas Nevada, LLC; Nevada Pure, LLC; Medifarm, LLC	APP00911 – APP00933
6	12/31/2019	Order Granting Plaintiffs Leave to File Amended Complaints	APP00934
6	01/28/2020	Defendant Rural Remedies, LLC's Complaint in Intervention, Petition for Judicial Review or Writ of Mandamus	APP00935 – APP00963
7	01/29/2020	Third Amended Complaint filed by ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc. dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC; MMOF Vegas Retail, Inc.	APP00964 – APP01059
7	02/14/2020	Wellness Connection of Nevada LLC's Answer to Serenity Plaintiffs' Second Amended Complaint	APP01060 – APP01068
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		Petition for Judicial Review or Writ of Mandamus	
7	06/22/2020	Wellness Connection of Nevada, LLC's Answer to ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc. dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC; MMOF Vegas Retail, Inc. Third Amended Complaint	APP01123 – APP01136
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8	07/17/2020	Plaintiffs' Trial Exhibit 1005 – 07/06/2018 Recreational Marijuana Establishment License Application	APP01157 – APP01190
8	07/17/2020	Plaintiffs' Trial Exhibit 1302 - E-Mail dated 8/21/2019 from Nevada Department of Taxation to District Court, Department 11 re NRS 453D.200(6)	APP01191 – APP01193
8	09/03/2020	Findings of Fact, Conclusions of Law and Permanent Injunction – Phase 2	APP01194 – APP01223
8	09/16/2020	Findings of Fact, Conclusions of Law and Permanent Injunction – Phase 1	APP01224 – APP01235
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9	10/13/2020	Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01348 – APP01361
10	10/13/2020	Appendix to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees, Volume I	APP01362 – APP01555
11	10/13/2020	Appendix to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees, Volume II	APP01556 – APP01585
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11	10/21/2020	Defendant / Plaintiff-In-Intervention Rural Remedies, LLC's Opposition to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01612 – APP01622
11	10/21/2020	Exhibits to Defendant / Plaintiff-In-Intervention Rural Remedies, LLC's Opposition to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01623 – APP01717
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12	10/23/2020	Case Appeal Statement filed by TGIG, LLC, Nevada Holistic Medicine, LLC, GBS Nevada Partners, Fidelis Holdings, LLC; Gravitas Nevada, Nevada Pure, LLC, Medifarm, LLC and Medifarm IV, LLC	APP01768 – APP01780

12	10/27/2020	Opposition to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees filed by TGIG LLC, Nevada Holistic Medicine, LLC; GBS Nevada Partners; Fidelis Holdings, LLC; Gravitas Nevada; Nevada Pure, LLC; Medifarm LLC; Medifarm IV, LLC	APP01781 – APP01789
12	10/27/2020	Plaintiffs THC Nevada LLC and Herbal Choice, Inc.'s Joinder to TGIG's Opposition to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees and Costs	APP01790 – APP01791
12	10/28/2020	Plaintiff Green Leaf Farms Holdings, LLC, Green Therapeutics, LLC, Nevcan, LLC and Red Earth LLC's Joinder to Oppositions to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01792 – APP01794
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12	11/05/2020	Notice of Appeal filed by Red Earth LLC, Nevcan LLC, Green Therapeutics, LLC and Green Leaf Farm Holdings LLC	APP01798 – APP01800
12	11/13/2020	Omnibus Reply in Support of Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01801 – APP01821
12	11/20/2020	Minute Order re Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01822
12	08/27/2021	Order Denying Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01823 – APP01834
12	08/30/2021	Notice of Entry of Order Denying Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01835 – APP01849
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13	09/02/2022	Wellness Connection of Nevada, LLC's Notice of Appeal	APP01965 – APP02024
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		Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc. dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	
10	10/13/2020	Appendix to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees, Volume I	APP01362 – APP01555
11	10/13/2020	Appendix to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees, Volume II	APP01556 – APP01585
11	10/13/2020	Appendix to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees, Volume III	APP01586 – APP01611
12	10/23/2020	Case Appeal Statement filed by TGIG, LLC, Nevada Holistic Medicine, LLC, GBS Nevada Partners, Fidelis Holdings, LLC; Gravitas Nevada, Nevada Pure, LLC, Medifarm, LLC and Medifarm IV, LLC	APP01768 – APP01780
1	01/04/2019	Complaint filed by ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc. dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	APP00018 – APP00166
2	01/04/2019	Complaint filed by ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc. dba	APP00167 – APP00332

		Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	
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13	08/09/2022	Memorandum of Costs and Disbursements of Wellness Connection of Nevada, LLC	APP01901 – APP01964
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12	11/05/2020	Notice of Appeal filed by Red Earth LLC, Nevcan LLC, Green Therapeutics, LLC and Green Leaf Farm Holdings LLC	APP01798 – APP01800

12	10/23/2020	Notice of Appeal filed by TGIG, LLC, Nevada Holistic Medicine, LLC, GBS Nevada Partners, Fidelis Holdings, LLC; Gravitas Nevada, Nevada Pure, LLC, Medifarm, LLC and Medifarm IV, LLC	APP01718 – APP01767
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6	11/26/2019	Second Amended Complaint filed by Serenity Wellness Center, LLC; TGIG, LLC; Nuleaf Incline Dispensary, LLC; Nevada Holistic Medicine, LLC; Tryke Companies So. NV, LLC; Tryke Companies	APP00911 – APP00933

		Reno, LLC; Paradise Wellness Center, LLC; GBS Nevada Partners, LLC; Fidelis Holdings, LLC; Gravitas Nevada, LLC; Nevada Pure, LLC; Medifarm, LLC	
12	11/04/2020	THC Nevada, LLC and Herbal Choice, Inc.'s Joint Notice of Appeal	APP01795 – APP01797
7	01/29/2020	Third Amended Complaint filed by ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc. dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC; MMOF Vegas Retail, Inc.	APP00964 – APP01059
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7	06/22/2020	Wellness Connection of Nevada, LLC's Answer to ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc. dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC; MMOF Vegas Retail, Inc. Third Amended Complaint	APP01123 – APP01136

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9	10/13/2020	Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01348 – APP01361
13	09/02/2022	Wellness Connection of Nevada, LLC's Notice of Appeal	APP01965 – APP02024

Dated this 1st day of April, 2024.

HOWARD & HOWARD ATTORNEYS PLLC

By: /s/ L. Christopher Rose
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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of April 2024, I caused a true and correct copy of the **APPELLANT'S APPENDIX, VOLUME 4 OF 14** to be electronically filed and served with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system.

/s/ Kelly McGee

An employee of Howard & Howard Attorneys PLLC

6. *A retail marijuana store shall not sell marijuana or marijuana products to a consumer through the use of, or accept a sale of marijuana or marijuana products from, a third party, intermediary business, broker or any other business that does not hold a license for a retail marijuana store.*

7. *A retail marijuana store shall not contract with a third party or intermediary business to advertise delivery to consumers.*

Sec. 149. 1. *A retail marijuana store must store all usable marijuana, concentrated marijuana and marijuana products behind a counter or other barrier to ensure a consumer does not have direct access to the marijuana, concentrated marijuana or marijuana products.*

2. *Upon the request of a consumer, a retail marijuana store must disclose the name of the marijuana testing facility which performed the required quality assurance tests for the retail marijuana store and the corresponding certificate of analysis.*

3. *A retail marijuana store may only sell usable marijuana obtained from a marijuana cultivation facility.*

4. *Except as otherwise provided in subsection 6, a retail marijuana store may only sell concentrated marijuana and marijuana products obtained from a marijuana product manufacturing facility.*

5. *Except as otherwise provided in subsection 6, a retail marijuana store may not sell a product other than usable marijuana, concentrated marijuana or marijuana products which contain any level of THC or CBD without the approval of the Department. Each retail marijuana store shall maintain a file which contains a certificate of analysis for any such*

approved product at the retail marijuana store and shall make the file available for review upon request.

6. The provisions of subsections 4 and 5 do not apply to industrial hemp, as defined in NRS 557.040, which is certified and registered with the State Department of Agriculture.

Sec. 150. *Except for a delivery made pursuant to subsection 3 of NRS 453D.110, a marijuana establishment or a third party shall not deliver marijuana or marijuana products to a consumer unless:*

1. The delivery is made by a marijuana establishment agent who holds a marijuana establishment agent registration card in the category of retail marijuana store;

2. The delivery is made by a marijuana establishment agent employed by a retail marijuana store or by an independent contractor:

(a) Which has entered into a service agreement with a retail marijuana store to perform deliveries to consumers using only marijuana establishment agents who hold a marijuana establishment agent registration card in the category of retail marijuana store; and

(b) Whose name has been disclosed to the Department before any deliveries are made;

3. The name of the retail marijuana store and all independent contractors who perform deliveries on behalf of the retail marijuana store has been published on the Internet website of the Department;

4. The Department has received confirmation from the retail marijuana store, before a person engages in the delivery process, including, without limitation, accepting an order or physically delivering marijuana or marijuana products, that the person is employed by, volunteers at or provides labor as a marijuana establishment agent at the retail marijuana

store and holds a valid marijuana establishment agent registration card in the appropriate category;

5. The marijuana establishment agent who delivers marijuana or marijuana products to a consumer obtains verification of the identity and age of the consumer by scanning a document described in section 146 of this regulation before providing the marijuana or marijuana products to the consumer;

6. The marijuana establishment agent who delivers marijuana or marijuana products to a consumer does not also deliver any other item to the consumer unless the item is marijuana paraphernalia or merchandise, packaging or a promotional item directly related to the marijuana or marijuana product;

7. The delivery is conducted only during the hours that the retail marijuana store is open for business;

8. The delivery is conducted only within the borders of this State;

9. The marijuana establishment agent who delivers marijuana or marijuana products only travels to and from the retail marijuana store and the delivery destination and does not make any unnecessary stops that are not disclosed in the trip plan and delivery manifest. If the marijuana establishment agent makes a stop for fuel, the stop must be documented in the trip plan and maintained for review by the Department; and

10. If the retail marijuana store contracts with a service that provides a digital or other platform used in conjunction with an agreement to facilitate deliveries to consumers, the digital or other platform is approved by the Department.

Sec. 151. 1. A retail marijuana store delivering marijuana or marijuana products to a consumer pursuant to section 150 of this regulation shall:

(a) Ensure that all marijuana and marijuana products are secured at all times during delivery; and

(b) Maintain a physical or electronic copy of a delivery manifest generated using the seed-to-sale tracking system that contains all the information required by this section in a format approved by the Department.

2. A retail marijuana store may deliver marijuana or marijuana products to more than one consumer in a single trip if the delivery manifest correctly reflects the specific inventory destined for each specific consumer and location.

3. Before delivering marijuana or marijuana products to a consumer, the retail marijuana store shall enter the information required to indicate that the marijuana or marijuana products will be delivered to a consumer into the seed-to-sale tracking system.

4. A retail marijuana store shall not alter the information which has been entered into the seed-to-sale tracking system pursuant to subsection 3.

5. If a marijuana establishment agent is not able to deliver marijuana or marijuana products directly to the consumer who ordered the marijuana or marijuana products, the marijuana establishment agent shall return the marijuana or marijuana products to the retail marijuana store.

6. A retail marijuana store shall provide a copy of the delivery manifest generated using the seed-to-sale tracking system to each consumer who receives a delivery of marijuana or marijuana products. The copy of a delivery manifest provided to a consumer pursuant to this

subsection must be generated separately for each consumer and not contain the information of any other consumer.

7. The delivery manifest generated using the seed-to-sale tracking system must include, without limitation:

(a) The date and approximate time of the delivery;

(b) The name, location, address and license number of the retail marijuana store;

(c) The name, location and address of each consumer;

(d) The name and quantity, by weight and unit, of each item to be delivered to each consumer;

(e) The make, model, license plate number and number of the identification card issued pursuant to section 153 of this regulation of the vehicle used for delivery; and

(f) The name, number of the marijuana establishment agent registration card and signature of each marijuana establishment agent performing or accompanying the delivery of the marijuana or marijuana products.

8. In addition to the requirements of this section, the retail marijuana store shall ensure that each delivery satisfies the requirements of sections 108 and 109 of this regulation.

9. Before marijuana or marijuana products leave the retail marijuana store for delivery, the retail marijuana store shall adjust its records to reflect the removal of the marijuana or marijuana products in a manner that reflects the information included in the delivery manifest generated using the seed-to-sale tracking system and that can be easily reconciled, by the name and quantity of the marijuana or marijuana products, with the delivery manifest.

10. After delivery of marijuana or marijuana products, the retail marijuana store shall ensure that the trip plan, including any changes to the trip plan made pursuant to subsection 9 of section 150 of this regulation, is accurate.

11. Any marijuana or marijuana product which is damaged, undeliverable to the consumer or refused by the consumer must be delivered back to the retail marijuana store and reconciled by the retail marijuana store in the seed-to-sale tracking system.

12. A retail marijuana store shall not deliver any marijuana or marijuana products unless the retail marijuana store can reconcile the delivery of marijuana or marijuana products with the seed-to-sale tracking system and all associated transaction history and order receipts.

13. A retail marijuana store must reconcile all transactions to the seed-to-sale tracking system at the close of business each day.

14. A retail marijuana store shall ensure that all information contained in a delivery manifest generated using the seed-to-sale tracking system is accurate for each delivery that is completed.

15. A retail marijuana store shall maintain all documents required by this section and provide a copy of any such document to the Department for review upon request.

Sec. 152. 1. *A retail marijuana store shall not deliver more than 5 ounces of marijuana or an equivalent amount of marijuana products to any combination of consumers within a single trip.*

2. *A retail marijuana store shall not deliver marijuana or marijuana products to a consumer at any location that has been issued a gaming license, as defined in NRS 463.0159.*

3. A retail marijuana store may only deliver marijuana or marijuana products to a private residence and shall not deliver more than 1 ounce of marijuana or an equivalent amount of marijuana products to any consumer.

4. A retail marijuana store shall not deliver marijuana or marijuana products to any person other than the consumer who ordered the marijuana or marijuana products. Before delivering marijuana or marijuana products to a consumer, the marijuana establishment agent delivering the marijuana or marijuana products for a retail marijuana store shall:

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

(b) Enter the details of such a confirmation in a log which must be made available for inspection by an appropriate law enforcement agency and the Department.

5. A retail marijuana store shall not allow a marijuana establishment agent to deliver marijuana or marijuana products unless the marijuana or marijuana products are:

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

(b) Not visible from outside the vehicle; and

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

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

6. A retail marijuana store shall ensure that a marijuana establishment agent delivering marijuana or marijuana products for the retail marijuana store has a means of communicating with the retail marijuana store while he or she provides delivery.

7. A person shall not be present within any vehicle while it is being used for the delivery of marijuana or marijuana products unless the person is a marijuana establishment agent for the retail marijuana store providing delivery of the marijuana or marijuana products or an independent contractor retained by the retail marijuana store to provide delivery.

8. Each marijuana establishment agent delivering marijuana or marijuana products must:

(a) Report to a person designated by the marijuana establishment to receive such reports any motor vehicle crash that occurs during the delivery within 2 hours after the crash occurs;

(b) Report to the Department any unauthorized stop that lasts longer than 2 hours; and

(c) Report to a person designated by the marijuana establishment to receive such reports any loss or theft of marijuana or marijuana products that occurs during the delivery immediately after the marijuana establishment agent becomes aware of the loss or theft. A retail marijuana store that receives a report of loss or theft pursuant to this paragraph must immediately report the loss or theft to the appropriate law enforcement agency and to the Department.

Sec. 153. 1. *A retail marijuana store may use any motor vehicle that can legally be operated on the highways of this State and that meets the requirements of this section to deliver marijuana and marijuana products.*

2. Before using a motor vehicle to deliver marijuana or marijuana products, a retail marijuana store must obtain the approval of the Department for the use of the motor vehicle. Upon approving a motor vehicle for use to deliver marijuana or marijuana products, the

Department will issue an identification card containing such information as the Department determines to be necessary, which must be kept inside the motor vehicle at all times.

3. A retail marijuana store shall ensure that each motor vehicle used to deliver marijuana or marijuana products:

(a) Has no advertising, signage or other markings relating to marijuana; and

(b) Is equipped with an audible car alarm.

4. A retail marijuana store shall provide adequate care for perishable marijuana products including, without limitation, refrigeration during delivery, if required. Any method for temperature control used during delivery must be approved by the Department before use. If a potentially hazardous marijuana product is being delivered, the potentially hazardous marijuana product must be maintained at a temperature of less than 41°F (5°C) throughout delivery.

5. The Department may inspect each motor vehicle used for delivery of marijuana or marijuana products by a retail marijuana store pursuant to section 85 or 86 of this regulation.

Sec. 154. *1. A marijuana cultivation facility must disclose in writing with each lot of usable marijuana provided to a retail marijuana store:*

(a) All soil amendments, fertilizers and other crop production aids applied to the growing medium or marijuana plant included in the lot; and

(b) The name of the marijuana testing facility which performed the required quality assurance tests and the certificate of analysis for the lot.

2. A marijuana cultivation facility may provide a retail marijuana store free samples of usable marijuana packaged in a sample jar protected by a plastic or metal mesh screen to

allow consumers to smell the product before purchase. A sample jar may not contain more than 3 1/2 grams of usable marijuana. The sample jar must not be left unattended and must be sealed shut. The sample jar and the usable marijuana within may not be sold to a consumer and must be either returned to the marijuana cultivation facility which provided the usable marijuana and sample jar or destroyed by the retail marijuana store after use and documented by the retail marijuana store using its inventory control system pursuant to section 108 of this regulation.

3. The provisions of chapters 372A and 453D of NRS and chapter 372A of NAC regarding the excise tax on marijuana apply to free samples of usable marijuana provided pursuant to subsection 2.

Sec. 155. 1. Except as otherwise provided in subsection 2, a marijuana cultivation facility must ensure that access to the enclosed, locked facility where marijuana is cultivated is limited to the officers, board members and authorized marijuana establishment agents of the marijuana cultivation facility.

2. Each marijuana cultivation facility shall ensure that an authorized marijuana establishment agent accompanies any person other than another marijuana establishment agent associated with the marijuana establishment when the person is present in the enclosed, locked facility where marijuana is cultivated or produced by the marijuana cultivation facility.

3. Each marijuana cultivation facility shall ensure that any marijuana growing at the marijuana cultivation facility:

(a) Cannot be observed from outside the marijuana cultivation facility and is not visible from a public place by normal, unaided vision; and

(b) Unless the marijuana cultivation facility cultivates marijuana outdoors, does not emit an odor that is detectable from outside the marijuana cultivation facility.

Sec. 156. 1. *A marijuana cultivation facility or a marijuana product manufacturing facility may conduct operations and request limited laboratory testing by a marijuana testing facility for research and development purposes.*

2. A marijuana cultivation facility or marijuana product manufacturing facility described in subsection 1 shall:

(a) Notify the Department of its intent to conduct research and development on a form prescribed by the Department by electronic mail before sending a sample to a marijuana testing facility;

(b) Quarantine each batch, lot or production run in a separate quarantine area and label each batch, lot or production run with a distinctive label containing "R&D QUARANTINE" as a header and footer in 20-point white font and a red background;

(c) Account for all marijuana subject to quarantine pursuant to paragraph (b) in its inventory control system;

(d) Limit all research and development operations to clearly segregated and designated areas or rooms marked "R&D CULTIVATION AREA" or "R&D PRODUCTION AREA" on 8 1/2 by 11 inch signs with a red background and white lettering, posted at the entrance to the area or room and along the walls of the area or room, with a minimum of one sign for every 300 square feet of the area or room; and

(e) Perform research and development operations in a grow room only if the plants used for such operations are designated and separated from other plants.

3. A marijuana cultivation facility or marijuana product manufacturing facility operating as described in subsection 1 may request limited testing protocols from a marijuana testing facility for research and development purposes.

4. A marijuana testing facility that performs testing for a marijuana cultivation facility or marijuana product manufacturing facility described in subsection 1 shall report the results of the testing to the marijuana establishment and to the Department by electronic mail. The marijuana testing facility shall clearly mark the test results with "R&D TESTING ONLY -- NOT FOR RESALE" on the header and footer of the report in 20-point white font and a red background.

5. A batch, lot or production run produced for research and development purposes pursuant to this section which fails quality assurance testing need not be destroyed.

6. A batch, lot or production run originally produced for research and development purposes pursuant to this section may not be sold to a retail marijuana store until the batch, lot or production run has undergone and passed all testing required by section 104 of this regulation.

Sec. 157. 1. *If an applicant for a license for a marijuana cultivation facility wishes to engage in the cultivation of marijuana outdoors or if a marijuana cultivation facility wishes to begin to cultivate marijuana outdoors, the applicant or marijuana cultivation facility must, before engaging in any outdoor cultivation, submit a verification issued by the State Department of Agriculture that the outdoor cultivation will be adequately isolated from all other outdoor marijuana and industrial hemp cultivation locations to prevent the cross-pollination of cannabis crops.*

2. A request for verification of adequate isolation described in subsection 1 must be submitted to the State Department of Agriculture and:

(a) Be on a form prescribed by the State Department of Agriculture;

(b) Include documentation that verifies that the applicant or marijuana cultivation facility has obtained:

(1) Appropriate licensing;

(2) Approved zoning; and

(3) Any other approvals required by the locality;

(c) Include a map or GPS coordinates that demonstrate the proposed location of outdoor cultivation by the applicant or marijuana cultivation facility; and

(d) Include any other information that the State Department of Agriculture determines to be necessary.

3. The applicant or marijuana cultivation facility shall not begin outdoor cultivation until the State Department of Agriculture provides verification of adequate isolation described in subsection 1, the applicant or marijuana cultivation facility transmits the verification of adequate isolation to the Department of Taxation and the Department of Taxation issues a license for a marijuana cultivation facility to the applicant or approves the modification of operations of the marijuana cultivation facility to begin outdoor cultivation.

Sec. 158. Based on the risks inherent to the operation of a marijuana product manufacturing facility, the persons responsible for managing each such facility shall demonstrate to the Department knowledge of disease prevention, and the requirements of this chapter and chapter 453D of NRS, by:

1. Complying with the provisions of this chapter and chapter 453D of NRS and having no category I, II, II(b) or III violations pursuant to section 120 of this regulation during inspections.

2. Ensuring that at least one employee of the marijuana product manufacturing facility is a certified food protection manager who has shown proficiency in the required information through passing a test that is part of a program which certifies a person to be a food protection manager and which:

(a) Has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify persons as food protection managers; or

(b) Provides to such persons other training acceptable to the Department.

3. Responding correctly to the questions of an inspector of marijuana establishments regarding:

(a) The relationship between the prevention of disease and the personal hygiene of a marijuana establishment agent engaged in the extraction of concentrated marijuana or production of marijuana products.

(b) The prevention of the transmission of disease by a marijuana establishment agent engaged in the extraction of concentrated marijuana or production of marijuana products who has a disease or medical condition that may transmit disease.

(c) The symptoms associated with the diseases that are transmissible through marijuana products and ingredients.

(d) The significance of the relationship between maintaining the temperature for a certain amount of time for potentially hazardous marijuana products and ingredients and the prevention of illness transmission.

(e) The hazards involved in the consumption of raw or undercooked meat, poultry and eggs.

(f) The required temperatures and times for safe cooking of potentially hazardous marijuana products and ingredients, including, without limitation, meat, poultry and eggs.

(g) The required temperatures and times for the safe refrigerated storage, hot holding, cooling and reheating of potentially hazardous marijuana products and ingredients.

(h) The relationship between the prevention of illness transmission and the management and control of:

(1) Cross contamination;

(2) Hand contact with finished marijuana products and ingredients;

(3) Hand washing; and

(4) Maintaining the establishment in a clean condition and in good repair.

(i) The correct procedures for cleaning and sanitizing utensils and the surfaces of equipment that have direct contact with marijuana products and ingredients.

(j) The identification of poisonous or toxic materials in the facility and the procedures necessary to ensure that those materials are safely stored, dispensed, used and disposed of according to applicable state and federal laws and regulations.

Sec. 159. *Each marijuana establishment agent engaged in the extraction of concentrated marijuana or production of marijuana products shall keep his or her hands and the exposed portions of his or her arms clean.*

Sec. 160. 1. *Each marijuana establishment agent shall, when required pursuant to section 161 of this regulation, clean his or her hands and the exposed portions of his or her arms for at least 20 seconds, using a cleaning compound in a hand-washing sink that is appropriately equipped.*

2. *Each marijuana establishment agent shall use the following cleaning procedure in the order stated to clean his or her hands and the exposed portions of his or her arms, including, without limitation, surrogate prosthetic devices for hands and arms:*

(a) Rinse under clean, running warm water at a minimum temperature of 100°F (37.8°C).

(b) Apply an amount of cleaning compound recommended by the manufacturer of the cleaning compound.

(c) Rub together vigorously for at least 15 seconds while:

(1) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure; and

(2) Creating friction on the surfaces of the hands and arms, fingertips and areas between the fingers.

(d) Thoroughly rinse under clean, running warm water at a minimum temperature of 100°F (37.8°C).

(e) Immediately follow the cleaning procedure with thorough drying using a clean paper towel.

Sec. 161. *Each marijuana establishment agent shall clean his or her hands and exposed portions of his or her arms in the manner set forth in section 160 of this regulation:*

- 1. Immediately upon entrance to any area containing marijuana or marijuana products;*
- 2. Immediately before working with marijuana plants;*
- 3. Immediately before engaging in preparation for the extraction of concentrated marijuana or production of marijuana products, including, without limitation, working with exposed marijuana products, clean equipment and utensils and unwrapped single-service and single-use articles;*
- 4. After touching bare human body parts other than clean hands and exposed portions of arms, including, without limitation, surrogate prosthetic devices for hands and arms;*
- 5. After using the toilet room;*
- 6. After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking;*
- 7. After handling soiled equipment or utensils;*
- 8. During preparation for the extraction of concentrated marijuana or production of marijuana products, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;*
- 9. When switching between working with unprocessed marijuana products or uncooked food products and working with finished concentrated marijuana or marijuana products;*
- 10. Before donning gloves for working with marijuana products; and*
- 11. After engaging in other activities that contaminate the hands.*

Sec. 162. 1. *A marijuana establishment agent engaged in the extraction of concentrated marijuana or production of marijuana products shall not have contact with exposed, finished marijuana products with his or her bare hands and shall use suitable utensils, including, without limitation, deli tissue, spatulas, tongs, single-use gloves or dispensing equipment when handling exposed, finished concentrated marijuana or marijuana products.*

2. *A marijuana establishment agent engaged in the extraction of concentrated marijuana or production of marijuana products shall minimize bare hand and arm contact with exposed marijuana products that are not in a finished form.*

Sec. 163. 1. *Each marijuana product manufacturing facility shall ensure that it obtains nonmarijuana ingredients for marijuana products from sources that comply with the requirements of federal and state law and regulations and are approved by the Department, including, without limitation, commercial and retail businesses.*

2. *A marijuana product manufacturing facility shall not use or prepare nonmarijuana ingredients prepared or stored in a private home.*

Sec. 164. 1. *Except as otherwise provided in subsection 2, each marijuana product manufacturing facility shall ensure that marijuana products and ingredients are protected from cross-contamination by:*

(a) Separating raw animal ingredients during storage, preparation, holding and display from raw marijuana products, or other raw finished ingredients such as fruits and vegetables, and from concentrated marijuana and cooked or baked and finished marijuana products which are ready to eat or otherwise use.

(b) Except when combined as ingredients, separating types of raw animal ingredients from each, including, without limitation, meat, poultry and eggs, during storage, preparation, holding and display by preparing each type of raw animal ingredient at a different time or in a different area and:

(1) Using separate equipment for each type of raw animal ingredient; or

(2) Arranging each type of raw animal ingredient in equipment so that cross-contamination of one type of raw animal ingredient with another is prevented.

(c) Preparing each type of raw animal ingredient at different times or in separate areas.

2. The provisions of subsection 1 do not apply to items stored frozen in a freezer.

3. Marijuana products must be protected from contamination by storing the product in a clean, dry location:

(a) Where the products are not exposed to splashes, dust or other contamination; and

(b) Fifteen centimeters or more above the floor.

4. Marijuana products and direct contact surfaces of equipment and utensils must be stored and handled in a manner that prevents any biological, chemical or physical contamination at all times.

5. Chemical sanitizer must be available for immediate use at the proper concentration during all hours of operation in a location other than a three-compartment sink.

Sec. 165. *Each marijuana product manufacturing facility shall ensure that:*

1. Pasteurized eggs or egg products are substituted for raw eggs in the preparation of marijuana products.

2. Marijuana products and ingredients only have contact with the surfaces of:

(a) Equipment and utensils that are cleaned and sanitized; or

(b) Single-service and single-use articles that have not previously been used.

3. Ingredients such as eggs, meat, poultry and marijuana containing these raw animal ingredients are cooked to heat all parts of the marijuana product to a temperature and for a time that complies with one of the following methods based on the product that is being cooked:

(a) At 145°F (63°C) or above for 15 seconds for meat, including, without limitation, commercially raised game animals.

(b) At 155°F (68°C) or above for 15 seconds for:

(1) Mechanically tenderized and injected meats; and

(2) Meat and commercially raised game animals if it is comminuted.

(c) At 165°F (74°C) or above for 15 seconds for poultry, stuffed meat, stuffed pasta, stuffed poultry or stuffing containing meat or poultry.

4. Except during preparation, cooking or cooling, potentially hazardous marijuana products and ingredients are maintained:

(a) At 135°F (57°C) or above; or

(b) At 41°F (5°C) or less.

5. During the thawing process, potentially hazardous marijuana products and ingredients are:

(a) Maintained at 41°F (5°C) or less; and

(b) Thawed:

(1) Under refrigeration;

- (2) Under cool running water;*
- (3) As part of the cooking process; or*
- (4) In a microwave only if the potentially hazardous marijuana products and ingredients will be cooked immediately thereafter.*

Sec. 166. 1. *Each marijuana product manufacturing facility shall ensure that:*

- (a) Potentially hazardous marijuana products and ingredients prepared and held by the facility for more than 24 hours are clearly marked to indicate the date or day by which the item must be consumed on the premises, sold or discarded when held at a temperature of 41°F (5°C) or less for a maximum of 7 days or, if the item is frozen, when the item is subsequently thawed and held at a temperature of 41°F (5°C) or less for a maximum of 7 days; and*
- (b) Potentially hazardous marijuana products and ingredients that are prepared and packaged by a commercial processing plant are clearly marked at the time that the original container is opened and, if the item is held for more than 24 hours, indicate the date or day by which the item must be consumed, sold or discarded, based on the temperature and time combination set forth in paragraph (a). The day on which the original container is opened in the marijuana establishment must be counted as “day 1.” The day or date marked by the marijuana product manufacturing facility may not exceed a use-by date of the manufacturer if the manufacturer determined the use-by date.*

2. *If a marijuana product manufacturing facility produces a marijuana product which is perishable, the expiration date for the marijuana product must:*

- (a) Be determined as a result of shelf-life testing pursuant to subsection 3; or*

(b) Not exceed 7 days, including the date of preparation of the marijuana product, if the marijuana product is refrigerated.

3. A marijuana product manufacturing facility shall perform testing, as specified by the Department, to determine the shelf life of each marijuana product which is perishable for the first production run of each such marijuana product. The Department will determine which marijuana products require testing to determine shelf life during the review and approval of each marijuana product. New testing pursuant to this subsection must be performed for any change in the recipe, production run size or equipment used to produce a marijuana product.

Sec. 167. 1. Each marijuana product manufacturing facility shall contract with a marijuana testing facility to perform testing to ensure the homogeneity of the potency of the product on each edible marijuana product produced by the facility. A marijuana product manufacturing facility shall not sell an edible marijuana product unless the Department has preapproved the production of the edible marijuana product and a marijuana testing facility has verified the homogeneity of the potency of the product as described in section 199 of this regulation.

2. A marijuana product manufacturing facility shall not sell an edible marijuana product other than a multiple-serving edible marijuana product or a single-serving edible marijuana product. An edible marijuana product sold as a multiple-serving edible marijuana product must not contain more than 100 milligrams of THC. An edible marijuana product sold as a single-serving edible marijuana product must not contain more than 10 milligrams of THC.

3. A marijuana product manufacturing facility shall not sell an edible marijuana product unless the Department has approved that:

(a) The recipe and production procedures for the edible marijuana product will ensure consistent concentration of THC for the edible marijuana product; and

(b) The marijuana product manufacturing facility has demonstrated that its process for producing the edible marijuana product produces a homogenous product.

4. Any change in the recipe, production run size or equipment used to produce an edible marijuana product must be approved by the Department. The Department may require new approval or testing pursuant to this section for such a change.

Sec. 168. *Each marijuana product manufacturing facility shall ensure that the materials that are used in the construction of utensils and the contact surfaces of equipment:*

1. Do not allow the migration of deleterious substances or impart colors, odors or tastes to marijuana products; and

2. Under normal use conditions are:

(a) Safe;

(b) Durable, corrosion-resistant and nonabsorbent;

(c) Sufficient in weight and thickness to withstand repeated warewashing;

(d) Finished to have a smooth, easily cleanable surface; and

(e) Resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition.

Sec. 169. *1. Each marijuana product manufacturing facility shall ensure that it provides:*

(a) A sink with at least three compartments for manually washing, rinsing and sanitizing equipment and utensils;

(b) Sink compartments that are large enough to accommodate immersion of the largest equipment and utensils; and

(c) Running water that reaches a minimum temperature of 120°F (49°C).

2. If equipment or utensils are too large for the warewashing sink, a marijuana product manufacturing facility must use a warewashing machine or alternative equipment.

Sec. 170. *Each marijuana product manufacturing facility shall ensure that its ventilation hood systems and devices are sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.*

Sec. 171. *Each marijuana product manufacturing facility shall ensure that:*

1. In a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold is not more than 194°F (90°C) or less than 180°F (82°C).

2. A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times is used in accordance with the manufacturer's label use instructions that are approved by the Environmental Protection Agency, and as follows:

(a) A chlorine solution must have a concentration between 50 parts per million and 100 parts per million or be otherwise prepared in accordance with the manufacturer's label.

(b) An iodine solution must have a concentration between 12.5 parts per million and 25 parts per million or be otherwise prepared in accordance with the manufacturer's label.

(c) A quaternary ammonium compound solution must have a concentration between 150 parts per million and 400 parts per million or be otherwise prepared in accordance with the manufacturer's label.

3. If a chemical sanitizer other than chlorine, iodine or a quaternary ammonium compound is used, it is applied in accordance with the manufacturer's label use instructions that are approved by the Environmental Protection Agency and the use of the chemical sanitizer is approved by the Department.

4. A sanitizer bucket or spray bottle is readily available during all hours of operation and kept at the proper concentration.

5. Test strips which are appropriate for the type of chemical sanitizer in use are available and used properly.

Sec. 172. *Each marijuana product manufacturing facility shall ensure that:*

1. The surfaces of equipment and utensils that have direct contact with marijuana products are clean to sight and touch;

2. The surfaces of cooking equipment and pans that have direct contact with marijuana products are kept free of encrusted grease deposits and other soil accumulations; and

3. The surfaces of equipment that do not have direct contact with marijuana products are kept free of an accumulation of dust, dirt, residue and other debris.

Sec. 173. *Each marijuana product manufacturing facility shall ensure that:*

1. The surfaces of equipment and utensils that have direct contact with marijuana products are cleaned:

(a) Before each use with a different type of raw animal ingredient, including, without limitation, beef, pork or poultry;

(b) Each time there is a change from working with raw marijuana products to working with finished marijuana products;

(c) Between uses with raw fruits and vegetables and with potentially hazardous marijuana products and ingredients, using the appropriate time and temperature controls to ensure the safety of the marijuana products; and

(d) At any time during operation when contamination may have occurred.

2. If the surfaces of equipment or utensils come into contact with potentially hazardous marijuana products and ingredients, the surfaces and utensils are cleaned throughout the day at least once every 4 hours.

3. The surfaces of utensils and equipment that have direct contact with marijuana products and ingredients that are not potentially hazardous are cleaned:

(a) At any time when contamination may have occurred; and

(b) In equipment, including, without limitation, ice bins and beverage dispensing nozzles, and enclosed components of equipment, such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders and water vending equipment:

(1) At a frequency specified by the manufacturer; or

(2) If the manufacturer does not specify a frequency, at a frequency necessary to prevent the accumulation of soil or mold.

Sec. 174. *Each marijuana product manufacturing facility shall ensure that:*

1. The surfaces and utensils that have direct contact with marijuana products are adequately washed, rinsed and sanitized.

2. After being cleaned, surfaces of equipment and utensils that have direct contact with marijuana products are sanitized in:

(a) Hot water manual operations by immersion for at least 30 seconds with a temperature of 170°F (77°C) or above;

(b) Hot water mechanical operations by being cycled through equipment that is set up and achieving a utensil surface temperature of 160°F (71°C) as measured by an irreversible registering temperature indicator; or

(c) Chemical manual or mechanical operations, including, without limitation, the application of sanitizing chemicals by immersion, manual swabbing, brushing or pressure spraying methods using a solution as specified on the manufacturer's label use instructions that are approved by the Environmental Protection Agency, by providing an exposure time of at least 30 seconds unless the manufacturer's label use instructions provide otherwise.

Sec. 175. *Each marijuana product manufacturing facility shall ensure that:*

1. The surfaces of cooking and baking equipment that have direct contact with marijuana products are cleaned at least once every 24 hours; and

2. The cavities and door seals of microwave ovens are cleaned at least once every 24 hours by using the recommended cleaning procedure of the manufacturer.

Sec. 176. *Each marijuana product manufacturing facility shall ensure that the light intensity in the facility is:*

1. At least 20 foot candles (215 lux):

(a) At a distance of 30 inches (75 cm) above the floor in walk-in refrigeration units and areas for storage of dry marijuana products and in other areas and rooms during periods of cleaning;

(b) Inside equipment such as reach-in and under-counter refrigerators; and

(c) At a distance of 30 inches (75 cm) above the floor in areas used for hand washing, warewashing and equipment and utensil storage and in toilet rooms.

2. At least 50 foot candles (540 lux) at a surface where a marijuana establishment agent engaged in the extraction of concentrated marijuana or production of marijuana products is working with marijuana products or working with utensils or equipment, including, without limitation, knives, slicers, grinders or saws where employee safety is a factor.

Sec. 177. Each marijuana product manufacturing facility shall ensure that it provides mechanical ventilation of sufficient capacity as necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes.

Sec. 178. 1. Each marijuana product manufacturing facility shall ensure that filters for liquid filtration used in the extraction of concentrated marijuana or manufacture, processing or packaging of marijuana products intended for human use do not release fibers into such products.

2. A marijuana product manufacturing facility shall not use an asbestos-containing filter.

Sec. 179. 1. A marijuana product manufacturing facility may only use the methods, equipment, solvents, gases and mediums set forth in this section when creating marijuana extracts.

2. A marijuana product manufacturing facility may use the hydrocarbons N-butane, isobutane, propane, heptane or other solvents or gases exhibiting low to minimal potential human health-related toxicity approved by the Department. These solvents must be of at least 99 percent purity and a marijuana product manufacturing facility must, when using such solvents:

- (a) Use the solvents in a professional grade, closed-loop extraction system designed to recover the solvents;*
- (b) Work in a spark-free environment with proper ventilation; and*
- (c) Follow all applicable local fire, safety and building codes in the processing and storage of the solvents.*

3. A marijuana product manufacturing facility may use a professional grade, closed-loop CO2 gas extraction system where every vessel is rated to a minimum of 900 pounds per square inch and it follows all applicable local fire, safety and building codes in the processing and the storage of the solvents. The CO2 must be of at least 99 percent purity.

4. A marijuana product manufacturing facility may use heat, screens, presses, steam distillation, ice water and other methods without employing solvents or gases to create kief, hashish, bubble hash, infused dairy butter, or oils or fats derived from natural sources, and other extracts.

5. A marijuana product manufacturing facility may use food grade glycerin, ethanol and propylene glycol solvents to create marijuana extracts.

6. A marijuana product manufacturing facility which creates marijuana extracts must develop standard operating procedures, good manufacturing practices and a training plan before producing marijuana extracts for the marketplace. Any person using solvents or gases in a closed-looped system to create marijuana extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and safely handle and store the solvents and gases.

7. The acceptable parts per million for 1 gram of finished extract of residual solvent or gas will be determined by the Independent Laboratory Advisory Committee established pursuant to NAC 453A.666.

Sec. 180. Sections 180 to 194, inclusive, of this regulation set forth the minimum good manufacturing practices for the cultivation and preparation of marijuana and marijuana products for administration to humans.

Sec. 181. 1. Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store shall have a quality control unit that:

(a) Has the responsibility and authority to approve or reject all components, product containers, closures, in-process materials, packaging materials, labeling and marijuana or marijuana products;

(b) Has the authority to review production records to assure that no errors have occurred or, if errors have occurred, that the errors have been fully investigated and resolved;

(c) Is responsible for approving or rejecting marijuana or marijuana products manufactured, processed, packaged or held under contract by another marijuana establishment; and

(d) Is responsible for approving or rejecting all procedures or specifications which may impact the identity, strength, quality and purity of the marijuana or marijuana products.

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

(a) Set forth the responsibilities and procedures applicable to the quality control unit in writing; and

(b) Follow the written responsibilities and procedures set forth pursuant to paragraph (a).

Sec. 182. *Each marijuana cultivation facility, marijuana product manufacturing facility, marijuana distributor and retail marijuana store shall ensure that:*

1. Each marijuana establishment agent who is employed by or volunteers at the marijuana establishment and who is engaged in cultivating, manufacturing, processing, packaging or holding marijuana or marijuana products wears clean clothing appropriate for the duties he or she performs;

2. Protective apparel, such as head, face, hand and arm coverings, are worn as necessary to protect marijuana or marijuana products from contamination; and

3. Each marijuana establishment agent who is employed by or volunteers at the marijuana establishment practices good sanitation and health habits.

Sec. 183. *1. Each marijuana establishment shall ensure that any building used to manufacture, process, package or hold marijuana or marijuana products:*

(a) Is of suitable size, construction and location to facilitate cleaning, maintenance and proper operations;

(b) Has adequate space for the orderly placement of equipment and materials to prevent miscalculation or misuse of any component in any step of the manufacture, control, packaging, labeling or distribution of marijuana or marijuana products between different components, product containers, closures, labels, in-process materials and marijuana or marijuana products and to prevent contamination; and

(c) Contains interior surfaces which are not constructed of bare, painted or coated wood or wood product unless:

(1) The bare, painted or coated wood is within a building used only as a retail marijuana store and all marijuana or marijuana products are packaged or protected at all times; or

(2) The wood is sealed and coated with an epoxy paint which renders the surface:

(I) Safe;

(II) Durable, corrosion-resistant, nonporous and nonabsorbent;

(III) Finished to have a smooth, easily cleanable surface; and

(IV) Resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition.

2. Each marijuana establishment shall ensure that:

(a) The flow of components, product containers, closures, labels, in-process materials and marijuana and marijuana products through any building used to manufacture, process, package or hold marijuana or marijuana products is designed to prevent contamination;

(b) The operations of the marijuana establishment are performed within specifically defined areas of adequate size;

(c) All items are stored at least 6 inches (15 cm) off the floor;

(d) All access points to outside areas are sealed, including, without limitation, by use of door sweeps; and

(e) There are separate or defined areas or such other control systems for the operations of the marijuana establishment as are necessary to prevent contamination or miscalculation or misuse of any component in any step of the manufacture, control, packaging, labeling or

distribution of marijuana or marijuana products during the course of the following procedures:

(1) Receipt, identification, storage and withholding from use of components, product containers, closures and labels, pending the appropriate sampling, testing or examination by the quality control unit before release for manufacturing, processing or packaging;

(2) Holding rejected components, product containers, closures and labels before disposition;

(3) Storage of released components, product containers, closures and labels;

(4) Storage of in-process materials;

(5) Processing operations;

(6) Packaging and labeling operations;

(7) Quarantine storage before the release of marijuana or marijuana products;

(8) Storage of marijuana or marijuana products after release;

(9) Control and marijuana testing facility operations; and

(10) Sanitary processing, which includes as appropriate:

(I) Floors, walls and ceilings made of smooth, hard surfaces that are easily cleanable;

(II) Temperature and humidity controls;

(III) An air supply filtered through high-efficiency particulate air filters under positive pressure;

(IV) A system for monitoring environmental conditions;

(V) A system for cleaning and sanitizing rooms and equipment; and

(VI) A system for maintaining any equipment used to control sanitary conditions.

Sec. 184. 1. *Each marijuana establishment shall ensure that adequate lighting is provided in all areas of the marijuana establishment.*

2. If it is necessary for a marijuana establishment to have dim or no lighting in a certain area of the marijuana establishment for a specific reason, the marijuana establishment must have a written policy which specifies:

(a) The area needing dim or no lighting; and

(b) The reason the area needs dim or no lighting.

Sec. 185. 1. *Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store shall ensure that any building used to manufacture, process, package or hold marijuana or marijuana products:*

(a) Has adequate ventilation; and

(b) Contains equipment for adequate control over air pressure, microorganisms, dust, humidity and temperature when appropriate for the manufacture, processing, packaging or holding of marijuana or marijuana products.

2. Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store must use filtration systems, including, without limitation, prefilters and particulate matter air filters, when appropriate on air supplies to production areas. If air is recirculated to production areas, the marijuana establishment must take measures to control recirculation of dust from production. In areas where air contamination occurs during production, the marijuana establishment must ensure that there are adequate exhaust systems or other systems adequate to control contaminants.

Sec. 186. *Each marijuana establishment shall ensure that:*

1. Any building used to manufacture, process, package or hold marijuana or marijuana products supplies potable water under continuous positive pressure in a plumbing system free of defects that could contribute to the contamination of any marijuana or marijuana products. Potable water must meet the standards prescribed in the Primary Drinking Water Regulations, 40 C.F.R. Part 141. Water not meeting such standards is not permitted in the potable water system.

2. Drains are of adequate size and, where connected directly to a sewer, are provided with an air break or other mechanical device to prevent back-siphonage.

Sec. 187. *1. Each marijuana establishment shall ensure that it has written procedures:*

(a) Assigning responsibility for sanitation and describing in sufficient detail the cleaning schedules, methods, equipment and materials to be used in cleaning the buildings and facilities of the marijuana establishment; and

(b) For the use of appropriate rodenticides, insecticides, fungicides, fumigating agents and cleaning and sanitizing agents by the marijuana establishment.

2. Each marijuana establishment shall ensure that the written procedures described in subsection 1 are followed.

3. All sanitation procedures of a marijuana establishment apply to work performed by contractors or temporary marijuana establishment agents for the marijuana establishment as well as work performed by full-time marijuana establishment agents during the ordinary course of operations.

4. Each marijuana cultivation facility shall retain at least one person who is a certified applicator, as defined in NRS 555.2618, who is authorized to use pesticides for:

(a) If the marijuana cultivation facility engages in the cultivation of marijuana indoors, greenhouse and nursery pest control pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NAC 555.640; and

(b) If the marijuana cultivation facility engages in the cultivation of marijuana outdoors, agricultural pest control of animals or plants pursuant to paragraph (a) or (b) of subsection 1 of NAC 555.640.

Sec. 188. Each marijuana establishment shall ensure that any building used to manufacture, process, package or hold marijuana or marijuana products is maintained in a good state of repair.

Sec. 189. 1. Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store shall ensure that any equipment used to manufacture, process, package or hold marijuana or marijuana products:

(a) Is of appropriate design and adequate size and is suitably located to facilitate operations for its intended use and for its cleaning and maintenance; and

(b) Is constructed so that surfaces which have direct contact with components, in-process materials, marijuana or marijuana products are not reactive, additive or absorptive so as to alter the safety, identity, strength, quality or purity of the marijuana or marijuana products beyond the official or other established requirements.

2. Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store shall ensure that:

(a) Any substances required for its operation, such as lubricants or coolants, do not come into contact with components, product containers, in-process materials, marijuana or marijuana products so as to alter the safety, identity, strength, quality or purity of the marijuana or marijuana products beyond the official or other established requirements;

(b) Equipment and utensils are cleaned, maintained and, as appropriate for the nature of the marijuana or marijuana products, sanitized and sterilized at appropriate intervals to prevent malfunctions or contamination that would alter the safety, identity, strength, quality or purity of the marijuana or marijuana products beyond the official or other established requirements; and

(c) Written procedures are established and followed for the cleaning and maintenance of equipment and utensils used to manufacture, process, package or hold marijuana or marijuana products. These procedures must include, without limitation:

(1) Assignment of responsibility for cleaning and maintaining equipment;

(2) Maintenance and cleaning schedules, including, where appropriate, sanitizing schedules;

(3) A description in sufficient detail of the methods, equipment and materials used in cleaning and maintenance operations and the methods of disassembling and reassembling equipment as necessary to assure proper cleaning and maintenance;

(4) Protection of clean equipment from contamination before use; and

(5) Inspection of equipment for cleanliness immediately before use.

3. Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store must maintain records of any maintenance, cleaning, sanitizing and inspection carried out pursuant to this section.

Sec. 190. *Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store shall ensure that:*

1. It has written procedures describing in sufficient detail the receipt, identification, storage, handling, sampling, testing and approval or rejection of components, product containers and closures and that it follows those procedures;

2. Components, product containers and closures are at all times handled and stored in a manner so as to prevent contamination; and

3. Bagged or boxed components, product containers or closures are stored at least 6 inches off the floor and are suitably spaced to permit cleaning and inspection.

Sec. 191. *1. Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store shall have written procedures for production and process control that are designed to assure that the marijuana or marijuana products have the identity, strength, quality and purity they purport or are represented to possess.*

2. The written procedures required pursuant to subsection 1 and any changes to those procedures must be drafted, reviewed and approved by the appropriate organizational units of the marijuana establishment and reviewed and approved by the quality control unit of the marijuana establishment.

3. Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store shall follow written production and process control procedures in

executing various production and process control functions and shall document these procedures at the time of performance. Any deviation from the written procedures must be recorded and justified by the marijuana establishment.

Sec. 192. *1. Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store shall establish and follow written procedures describing in sufficient detail the receipt, identification, storage, handling, sampling, examination and testing of labeling and packaging materials.*

2. Any labeling or packaging materials that meet the appropriate written specifications established pursuant to subsection 1 may be approved and released for use. Any labeling or packaging materials that do not meet the specifications established pursuant to subsection 1 must be rejected to prevent their use in operations for which they are unsuitable.

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

(a) Store separately with suitable identification the labels and other labeling materials for each type of marijuana or marijuana product, and the different strength, dosage form or quantity of contents;

(b) Limit access to the storage area described in paragraph (a) to authorized personnel of the marijuana establishment; and

(c) Destroy obsolete and outdated labels, labeling and other packaging materials.

Sec. 193. *1. Each marijuana cultivation facility, marijuana product manufacturing facility, marijuana distributor and retail marijuana store shall ensure that marijuana or marijuana products that have been subjected to improper storage conditions, including,*

without limitation, extremes in temperature, humidity, smoke, fumes, pressure, age or radiation due to natural disasters, fires, accidents or equipment failures, are not salvaged and returned to the marketplace.

2. Whenever it is unclear whether marijuana or marijuana products have been subjected to the conditions described in subsection 1, a marijuana cultivation facility, marijuana product manufacturing facility or retail marijuana store may conduct salvaging operations only if:

(a) The marijuana or marijuana products are salvaged for use only for the purpose of extraction;

(b) Evidence from tests and assays performed by a marijuana testing facility indicates that the marijuana or marijuana products meet all applicable standards of quality and purity; and

(c) Evidence from inspection of the premises indicates that the marijuana or marijuana products and their associated packaging were not subjected to improper storage conditions as a result of the disaster or accident, if any.

3. A marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store must maintain records, including, without limitation, the name, lot number, production run number and disposition for marijuana or marijuana products salvaged pursuant to subsection 2.

Sec. 194. *1. Except as otherwise provided in subsection 2, a marijuana establishment shall:*

(a) Store, manage and dispose of all solid and liquid waste and wastewater generated during the processing of marijuana or production of marijuana products in accordance with all applicable state and local laws and regulations; and

(b) Render waste containing marijuana unusable before the waste leaves the marijuana establishment. Such waste includes, without limitation:

(1) Waste from marijuana plants, including, without limitation, roots, stalks, leaves, stems, flower, trim or solid plant material and any plant material used to create an extract;

(2) Solvents used in the processing of marijuana or extraction of concentrated marijuana;

(3) Any plant material or solvents discarded as a result of quality assurance testing or any other testing performed by a marijuana testing facility; and

(4) Any other waste as determined by the Department.

2. A marijuana distributor or retail marijuana store may return a marijuana product to a marijuana cultivation facility or marijuana product manufacturing facility to be rendered unusable.

3. Unless another method approved by the Department is used, waste containing marijuana must be rendered unusable by grinding and incorporating the waste with:

(a) For disposal using an organic method other than composting, the following kinds of compostable mixed waste:

(1) Food waste;

(2) Yard waste;

(3) Soil; or

(4) Other waste as approved by the Department; or

(b) For disposal in a landfill or other method not described in paragraph (a), the following kinds of noncompostable mixed waste:

- (1) Paper waste;*
- (2) Cardboard waste;*
- (3) Plastic waste; or*
- (4) Other waste as approved by the Department.*

↪ The amount of waste containing marijuana in the resulting mixture must be less than 50 percent by volume. Such waste must not be disposed of by composting.

4. A marijuana establishment shall provide notice to the Department using the seed-to-sale tracking system before rendering unusable and disposing of marijuana or marijuana products.

Sec. 195. 1. Each marijuana testing facility must employ a scientific director who must be responsible for:

(a) Ensuring that the marijuana testing facility achieves and maintains quality standards of practice; and

(b) Supervising all staff of the marijuana testing facility.

2. The scientific director of a marijuana testing facility must have earned:

(a) A doctorate degree in science from an accredited college or university and have at least 2 years of post-degree laboratory experience;

(b) A master's degree in science from an accredited college or university and have at least 4 years of post-degree laboratory experience; or

(c) A bachelor's degree in science from an accredited college or university and have at least 6 years of post-degree laboratory experience.

3. *If a scientific director is no longer employed by a marijuana testing facility, the marijuana testing facility shall not be permitted to conduct any testing.*

4. *Upon the appointment of a new scientific director by a marijuana testing facility, the marijuana testing facility shall not resume any testing until the Department conducts an inspection of the marijuana testing facility.*

Sec. 196. 1. Each marijuana testing facility must:

(a) *Follow the most current version of the Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control monograph published by the American Herbal Pharmacopoeia.*

(b) *Follow the Recommendations for Regulators -- Cannabis Operations published by the American Herbal Products Association.*

(c) *Be accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by an impartial organization that operates in conformance with standard ISO/IEC 17011 of the International Organization for Standardization and is a signatory to the Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation.*

(d) *Follow the Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements, and Pharmaceuticals -- An Aid to the Interpretation of ISO/IEC 17025:2005 (2015) published by AOAC International.*

2. *Each marijuana testing facility shall become proficient in testing samples using the analytical methods approved by the Department within 6 months after the date upon which the marijuana testing facility is issued a license.*

3. *The Department may require a marijuana testing facility to have the basic proficiency of the marijuana testing facility to execute correctly the analytical testing methodologies used*

by the marijuana testing facility validated and monitored on an ongoing basis by an independent third party.

4. Each marijuana testing facility shall:

(a) Adopt and follow minimum good laboratory practices which must, at a minimum, satisfy the OECD Series on Principles of Good Laboratory Practice (GLP) and Compliance Monitoring published by the Organisation for Economic Co-operation and Development.

(b) Become certified by the International Organization for Standardization and agree to have the inspections and reports of the International Organization for Standardization made available to the Department.

(c) Maintain internal standard operating procedures.

(d) Maintain a quality control and quality assurance program.

5. The Department or an independent third party authorized by the Department may conduct an inspection of the practices, procedures and programs adopted, followed and maintained pursuant to subsection 4 and inspect all records of the marijuana testing facility that are related to the inspection.

6. A marijuana testing facility must use, when available, testing methods that have undergone validation by the Official Methods of Analysis of AOAC International, the Performance Tested Methods Program of the Research Institute of AOAC International, the Bacteriological Analytical Manual of the Food and Drug Administration, the International Organization for Standardization, the United States Pharmacopeia, the Microbiology Laboratory Guidebook of the Food Safety and Inspection Service of the United States Department of Agriculture or an equivalent third-party validation study approved by the

Department of Taxation. If no such testing method is available, a marijuana testing facility may use an alternative testing method or a testing method developed by the marijuana testing facility upon demonstrating the validity of the testing method to and receiving the approval of the Department.

7. The Department hereby adopts by reference:

(a) The Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control monograph published by the American Herbal Pharmacopoeia. A copy of that publication may be obtained from the American Herbal Pharmacopoeia, P.O. Box 66809, Scotts Valley, California 95067, or at the Internet address <http://www.herbal-ahp.org/>, for the price of \$44.95.

(b) The OECD Series on Principles of Good Laboratory Practice (GLP) and Compliance Monitoring published by the Organisation for Economic Co-operation and Development. A copy of that publication may be obtained free of charge from the Organisation for Economic Co-operation and Development at the Internet address <http://www.oecd.org/env/ehs/testing/oecdseriesonprinciplesofgoodlaboratorypracticeglpandcompliancemonitoring.htm>.

(c) Standard ISO/IEC 17025 published by the International Organization for Standardization. A copy of that publication may be obtained from the American National Standards Institute at the Internet address <https://webstore.ansi.org/RecordDetail.aspx?sku=ISO%2fIEC+17025%3a2005> for the price of \$162.

(d) The Guidelines for Laboratories Performing Microbiological and Chemical Analyses of Food, Dietary Supplements, and Pharmaceuticals -- An Aid to the Interpretation of ISO/IEC 17025:2005 (2015) published by AOAC International. A copy of that publication may be obtained from AOAC International at the Internet address http://www.aoac.org/aoac_prod_imis/AOAC/AOAC_Member/PUBSCF/ALACCCF/ALACC_M.aspx for the price of \$190.

Sec. 197. 1. Each marijuana testing facility must use the sampling protocols and the general body of required quality assurance tests for usable marijuana, as received, concentrated marijuana and marijuana products set forth in this section. Such tests may include moisture content, potency analysis, foreign matter inspection, microbial screening, pesticide and other chemical residue and metals screening and residual solvents levels. A marijuana testing facility may request additional sample material for the purposes of completing required quality assurance tests but may not use such material for the purposes of resampling or repeating quality assurance tests. A marijuana testing facility may retrieve samples from the premises of another marijuana establishment and transport the samples directly to the marijuana testing facility. A marijuana testing facility transporting samples may make multiple stops if:

(a) Each stop is for the sole purpose of retrieving a sample from a marijuana establishment; and

(b) All samples remain secured at all times.

2. The tests required pursuant to subsection 1 by a marijuana testing facility are as follows:

<i>Product</i>	<i>Tests Required</i>	<i>Tolerance Limit</i>
<i>Usable marijuana and crude collected resins, as received, excluding wet marijuana</i>	<ol style="list-style-type: none"> 1. <i>Moisture content</i> 2. <i>Potency analysis</i> 3. <i>Terpene analysis</i> 4. <i>Foreign matter inspection</i> 5. <i>Mycotoxin screening</i> 6. <i>Heavy metal screening</i> 7. <i>Pesticide residue analysis</i> 8. <i>Herbicide screening</i> 9. <i>Growth regulator screening</i> 10. <i>Total yeast and mold</i> 11. <i>Total Enterobacteriaceae</i> 12. <i>Salmonella</i> 13. <i>Pathogenic E. coli</i> 14. <i>Aspergillus fumigatus</i> 15. <i>Aspergillus flavus</i> 16. <i>Aspergillus terreus</i> 17. <i>Aspergillus niger</i> 18. <i>Total coliform</i> 	<ol style="list-style-type: none"> 1. <i>< 15%</i> 2. <i>N/A</i> 3. <i>N/A</i> 4. <i>None detected</i> 5. <i>< 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A</i> 6. <i>Arsenic: < 2 ppm</i> Cadmium: <i>< 0.82 ppm</i> Lead: <i>< 1.2 ppm</i> Mercury: <i>< 0.4 ppm</i> 7. <i>See section 200 of this regulation</i> 8. <i>See section 200 of this regulation</i> 9. <i>See section 200 of this regulation</i>

<i>Product</i>	<i>Tests Required</i>	<i>Tolerance Limit</i>
		10. < 10,000 colony forming units per gram 11. < 1,000 colony forming units per gram 12. None detected per gram 13. None detected per gram 14. None detected per gram 15. None detected per gram 16. None detected per gram 17. None detected per gram 18. < 1,000 colony forming units per gram
<i>Wet marijuana, as received,</i>	<i>1. Potency analysis</i>	<i>1. N/A</i>

<i>Product</i>	<i>Tests Required</i>	<i>Tolerance Limit</i>
<i>which is destined for extraction</i>	<p>2. <i>Terpene analysis</i></p> <p>3. <i>Foreign matter inspection</i></p> <p>4. <i>Mycotoxin screening</i></p> <p>5. <i>Heavy metal screening</i></p> <p>6. <i>Pesticide residue analysis</i></p> <p>7. <i>Herbicide screening</i></p> <p>8. <i>Growth regulator screening</i></p> <p>9. <i>Total yeast and mold</i></p> <p>10. <i>Total Enterobacteriaceae</i></p> <p>11. <i>Salmonella</i></p> <p>12. <i>Pathogenic E. coli</i></p> <p>13. <i>Aspergillus fumigatus</i></p> <p>14. <i>Aspergillus flavus</i></p> <p>15. <i>Aspergillus terreus</i></p> <p>16. <i>Aspergillus niger</i></p> <p>17. <i>Total coliform</i></p>	<p>2. <i>N/A</i></p> <p>3. <i>None detected</i></p> <p>4. <i>< 20 µg/kg for the total of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A</i></p> <p>5. <i>Arsenic: < 2 ppm</i></p> <p><i>Cadmium: < 0.82 ppm</i></p> <p><i>Lead: < 1.2 ppm</i></p> <p><i>Mercury: < 0.4 ppm</i></p> <p>6. <i>See section 200 of this regulation</i></p> <p>7. <i>See section 200 of this regulation</i></p> <p>8. <i>See section 200 of this regulation</i></p> <p>9. <i>< 10,000 colony forming units per gram</i></p> <p>10. <i>< 1,000 colony</i></p>

<i>Product</i>	<i>Tests Required</i>	<i>Tolerance Limit</i>
		<i>forming units per gram</i> <i>11. None detected per gram</i> <i>12. None detected per gram</i> <i>13. None detected per gram</i> <i>14. None detected per gram</i> <i>15. None detected per gram</i> <i>16. None detected per gram</i> <i>17. < 1,000 colony forming units per gram</i>
<i>Extract of marijuana (nonsolvent) like hashish, bubble hash, infused dairy butter, mixtures of extracted products or</i>	<i>1. Potency analysis</i> <i>2. Foreign matter inspection</i> <i>3. Terpene analysis</i> <i>4. Mycotoxin screening</i>	<i>1. N/A</i> <i>2. None detected</i> <i>3. N/A</i> <i>4. < 20 µg/kg for the total</i>

<i>Product</i>	<i>Tests Required</i>	<i>Tolerance Limit</i>
<i>oils or fats derived from natural sources, including concentrated marijuana extracted with CO₂</i>	<i>5. Heavy metal screening</i> <i>6. Pesticide residue analysis</i> <i>7. Total yeast and mold</i> <i>8. Total Enterobacteriaceae</i> <i>9. Salmonella</i> <i>10. Pathogenic E. coli</i> <i>11. Aspergillus fumigatus</i> <i>12. Aspergillus flavus</i> <i>13. Aspergillus terreus</i> <i>14. Aspergillus niger</i>	<i>of Aflatoxins B1, B2, G1 and G2 combined and < 20 µg/kg for Ochratoxin A</i> <i>5. Arsenic: < 2 ppm</i> <i>Cadmium: < 0.82 ppm</i> <i>Lead: < 1.2 ppm</i> <i>Mercury: < 0.4 ppm</i> <i>6. See section 200 of this regulation</i> <i>7. < 1,000 colony forming units per gram</i> <i>8. < 100 colony forming units per gram</i> <i>9. None detected per gram</i> <i>10. None detected per gram</i> <i>11. None detected per gram</i> <i>12. None detected per</i>

<i>Product</i>	<i>Tests Required</i>	<i>Tolerance Limit</i>
		<i>gram</i> <i>13. None detected per</i> <i>gram</i> <i>14. None detected per</i> <i>gram</i>
<i>Extract of marijuana (solvent-based) made with any approved solvent, including concentrated marijuana extracted by means other than with CO₂</i>	<i>1. Potency analysis</i> <i>2. Terpene analysis</i> <i>3. Foreign matter inspection</i> <i>4. Residual solvent test</i> <i>5. Mycotoxin screening</i> <i>6. Heavy metal screening</i> <i>7. Pesticide residue analysis</i> <i>8. Total yeast and mold</i> <i>9. Total Enterobacteriaceae</i> <i>10. Salmonella</i> <i>11. Pathogenic E. coli</i> <i>12. Aspergillus fumigatus</i> <i>13. Aspergillus flavus</i> <i>14. Aspergillus terreus</i>	<i>1. N/A</i> <i>2. N/A</i> <i>3. None detected</i> <i>4. < 500 ppm</i> <i>5. < 20 µg/kg for the total</i> <i>of Aflatoxins B1, B2, G1</i> <i>and G2 combined and < 20</i> <i>µg/kg for Ochratoxin A</i> <i>6. Arsenic: < 2 ppm</i> <i>Cadmium: < 0.82 ppm</i> <i>Lead: < 1.2 ppm</i> <i>Mercury: < 0.4 ppm</i> <i>7. See section 200 of this</i> <i>regulation</i>

<i>Product</i>	<i>Tests Required</i>	<i>Tolerance Limit</i>
	<i>15. Aspergillus niger</i>	<i>8. < 1,000 colony forming units per gram</i> <i>9. < 100 colony forming units per gram</i> <i>10. None detected per gram</i> <i>11. None detected per gram</i> <i>12. None detected per gram</i> <i>13. None detected per gram</i> <i>14. None detected per gram</i> <i>15. None detected per gram</i>

<i>Product</i>	<i>Tests Required</i>	<i>Tolerance Limit</i>
<i>Edible marijuana product, including a product which contains concentrated marijuana</i>	<i>1. Potency analysis</i> <i>2. Terpene analysis</i> <i>3. Foreign matter inspection</i> <i>4. Total Enterobacteriaceae</i> <i>5. Salmonella</i> <i>6. Pathogenic E. coli</i> <i>7. Total aerobic count</i> <i>8. Water activity or pH</i>	<i>1. N/A</i> <i>2. N/A</i> <i>3. None detected</i> <i>4. < 1,000 colony forming units per gram</i> <i>5. None detected per gram</i> <i>6. None detected per gram</i> <i>7. < 100,000 colony forming units per gram</i> <i>8. Water activity < 0.86 or pH < 4.6</i>

<i>Product</i>	<i>Tests Required</i>	<i>Tolerance Limit</i>
<i>Liquid marijuana product, including, without limitation, soda or tonic, including a product which contains concentrated marijuana</i>	1. <i>Potency analysis</i> 2. <i>Terpene analysis</i> 3. <i>Foreign matter inspection</i> 4. <i>Total Enterobacteriaceae</i> 5. <i>Salmonella</i> 6. <i>Pathogenic E. coli</i> 7. <i>Total aerobic count</i> 8. <i>Water activity or pH</i>	1. <i>N/A</i> 2. <i>N/A</i> 3. <i>None detected</i> 4. <i>< 1,000 colony forming units per gram</i> 5. <i>None detected per gram</i> 6. <i>None detected per gram</i> 7. <i>< 100,000 colony forming units per gram</i> 8. <i>Water activity < 0.86 or pH < 4.6</i>
<i>Topical marijuana product, including a product which contains concentrated marijuana</i>	1. <i>Potency analysis</i> 2. <i>Terpene analysis</i>	1. <i>N/A</i> 2. <i>N/A</i>

3. A sample of usable marijuana must be at least 10 grams. A sample of a production run must be the lesser of 1 percent of the total product weight of the production run or 25 units of product. All samples must be homogenized before testing.

4. A marijuana establishment shall not submit wet marijuana to a marijuana testing facility for testing unless the wet marijuana is destined for extraction and weighed within 2 hours after harvest.

5. As used in this section, “as received” means the unaltered state in which a sample was collected, without any processing or conditioning, which accounts for all mass, including moisture content.

Sec. 198. 1. *When performing potency analysis or terpene analysis pursuant to section 197 of this regulation, a marijuana testing facility shall test for and quantify the presence of the following:*

(a) Cannabinoids:

- (1) THC;*
- (2) Tetrahydrocannabinolic acid;*
- (3) CBD;*
- (4) Cannabidiolic acid; and*
- (5) Cannabinol; and*

(b) Terpenoids:

- (1) Alpha-bisabolol;*
- (2) Alpha-humulene;*
- (3) Alpha-pinene;*
- (4) Alpha-terpinolene;*
- (5) Beta-caryophyllene;*
- (6) Beta-myrcene;*

- (7) Beta-pinene;*
- (8) Caryophyllene oxide;*
- (9) Limonene; and*
- (10) Linalool.*

2. A marijuana testing facility shall provide the final certificate of analysis containing the results of testing pursuant to this section to the marijuana establishment which provided the sample within 2 business days after obtaining the results.

Sec. 199. 1. *Except as otherwise provided in subsection 2, a marijuana testing facility shall perform testing to verify the homogeneity of the potency of an edible marijuana product by testing multiple samples from a single production run.*

2. A marijuana testing facility that tests an edible marijuana product which has previously had the homogeneity of the potency of the edible marijuana product verified by a marijuana testing facility and which has not undergone a change in recipe may verify the homogeneity of the edible marijuana product by testing one or more single units or servings from a production run of the edible marijuana product.

3. The marijuana testing facility will verify the homogeneity of the potency of the edible marijuana product only if:

(a) The concentration of THC and weight of each sample is within 15 percent above or below the intended concentration of THC and weight; and

(b) No combination of samples which comprise 10 percent or less of the marijuana product contain 20 percent or more of the total THC in the marijuana product.

Sec. 200. 1. *A marijuana establishment shall only use a pesticide in the cultivation or production of marijuana or marijuana products if the pesticide appears on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550.*

2. *When performing pesticide residue analysis pursuant to section 197 of this regulation, a marijuana testing facility shall analyze for the pesticides which occur on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550 at the detection levels specified by the State Department of Agriculture and for any other substances required by the Department of Taxation. If:*

(a) A pesticide which occurs on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550 is detected at a level which exceeds the level specified by the State Department of Agriculture; or

(b) A pesticide which does not occur on the list of pesticides published by the State Department of Agriculture pursuant to NRS 586.550 is detected in any amount which is positively verified,

↪ the pesticide residue analysis is failed.

Sec. 201. 1. *A marijuana testing facility shall not handle, test or analyze marijuana unless:*

(a) The marijuana testing facility has been issued a license;

(b) The marijuana testing facility is independent from all other persons involved in the marijuana industry in Nevada; and

(c) No person with a direct or indirect interest in the marijuana testing facility has a direct or indirect financial interest in:

- (1) A retail marijuana store;*
 - (2) A marijuana product manufacturing facility;*
 - (3) A marijuana cultivation facility;*
 - (4) A marijuana distributor;*
 - (5) A provider of health care who provides or has provided written documentation for the issuance of registry identification cards or letters of approval; or*
 - (6) Any other entity that may benefit from the cultivation, manufacture, dispensing, sale, purchase or use of marijuana or marijuana products.*
- 2. A marijuana testing facility is not required to use a marijuana distributor to collect or move samples for testing.*

Sec. 202. 1. Immediately before packaging:

(a) Usable marijuana for sale to a retail marijuana store, marijuana product manufacturing facility or another marijuana cultivation facility, a marijuana cultivation facility shall segregate all harvested marijuana into homogenized lots of flower and trim, respectively, and allow a marijuana testing facility to select a representative sample for testing from each lot the marijuana cultivation facility has segregated. The marijuana testing facility which performs the test must collect the samples. If the marijuana cultivation facility has segregated the lot of harvested marijuana into packages or container sizes smaller than the entire lot, the marijuana testing facility must sample and test each package containing harvested marijuana from the lot.

(b) Concentrated marijuana or marijuana products, a marijuana product manufacturing facility shall allow a marijuana testing facility to select a random sample from each lot or

production run for testing by the marijuana testing facility. The marijuana testing facility performing the testing must collect the samples.

(c) The marijuana testing facility selecting a sample shall, using tamper-resistant products, record the batch, lot or production run number and the weight or quantity of the sample and seal the sample into a container.

2. A marijuana testing facility that receives a sample pursuant to this section shall test the sample as provided in section 197 of this regulation.

3. From the time that a lot or production run has been homogenized for sample testing and eventual packaging and sale to a retail marijuana store, marijuana product manufacturing facility or, if applicable, another marijuana cultivation facility until the marijuana testing facility provides the certificate of analysis from its tests and analysis, the marijuana establishment which provided the sample shall segregate and withhold from use the entire lot or production run, except the samples that have been removed by the marijuana testing facility for testing. During this period of segregation, the marijuana establishment which provided the sample shall maintain the lot or production run in a secure, cool and dry location so as to prevent the marijuana from becoming contaminated or losing its efficacy. Under no circumstances shall the marijuana establishment which provided the sample sell the marijuana or marijuana products, as applicable, to a retail marijuana store, marijuana product manufacturing facility or, if applicable, another marijuana cultivation facility before the time that the marijuana testing facility has completed its testing and analysis and provided the certificate of analysis to the marijuana establishment which provided the sample.

4. *Except as otherwise provided in subsection 5, a marijuana testing facility shall immediately return or dispose of any sample received pursuant to this section upon the completion of any testing, use or research. If a marijuana testing facility disposes of a sample received pursuant to this section, the marijuana testing facility shall document the disposal of the sample using its inventory control system pursuant to sections 108 and 109 of this regulation.*

5. *A marijuana testing facility shall keep any sample which fails testing or which is collected by the State Department of Agriculture for confirmation testing for 30 days after failure or collection. A sample which is kept pursuant to this subsection must be stored in a manner approved by the Department of Taxation. A marijuana testing facility shall dispose of a sample kept pursuant to this subsection after 30 days have elapsed after failure or collection.*

6. *Except as otherwise provided in section 210 of this regulation, if a sample provided to a marijuana testing facility pursuant to this section does not pass the testing required by section 197 of this regulation, the marijuana establishment which provided the sample shall dispose of the entire lot or production run from which the sample was taken and document the disposal of the sample using its inventory control system pursuant to sections 108 and 109 of this regulation.*

7. *If a sample provided to a marijuana testing facility pursuant to this section passes the testing required by section 197 of this regulation, the marijuana testing facility shall release the entire lot or production run for immediate manufacturing, packaging and labeling for sale to a retail marijuana store, a marijuana product manufacturing facility or, if applicable, another marijuana cultivation facility.*

8. *A marijuana establishment shall not use more than one marijuana testing facility to test the same lot or production run of marijuana without the approval of the Department.*

9. *A marijuana testing facility shall file with the Department, in a manner prescribed by the Department, an electronic copy of the certificate of analysis for all tests performed by the marijuana testing facility, regardless of the outcome of the test, including all testing required by sections 197 to 200, inclusive, of this regulation, at the same time that it transmits those results to the facility which provided the sample. The marijuana testing facility shall transmit an electronic copy of the certificate of analysis for each test to the Department by electronic mail at:*

(a) If the test was passed, mmelabpass@tax.state.nv.us; or

(b) If the test was failed, mmelabfail@tax.state.nv.us.

10. *An electronic mail message transmitted pursuant to subsection 9 must be formatted as follows:*

(a) The subject line of the electronic mail message must be the name of the marijuana establishment from which the sample was collected.

(b) The name of the electronic file containing the certificate of analysis must be:

(1) Except as otherwise provided in subparagraph (2) or (3), the four digit identifier assigned by the Department to the marijuana testing facility, followed by an underscore, followed by the four digit identifier assigned by the Department to the marijuana establishment from which the sample was collected, followed by an underscore, followed by:

(I) If the sample was from a production run, the production run number; or

(II) If the sample was not from a production run, the batch number, followed by an underscore, followed by the lot number.

(2) If the certificate of analysis is from a retesting of a previously failed sample, an underscore followed by the word “Retest” must be appended to the end of the name of the electronic file.

(3) If the certificate of analysis has been amended, an underscore followed by the word “Amended” must be appended to the end of the name of the electronic file.

(c) If the certificate of analysis has been amended, the electronic copy of the certificate of analysis must state “Amended” in bold red font at the center of the top of the first page of the report and must contain a statement of the reason for the amendment.

11. The Department will take immediate disciplinary action against any marijuana establishment which fails to comply with the provisions of this section or falsifies records related to this section, including, without limitation, revoking the license of the marijuana establishment.

12. A marijuana testing facility may subcontract its testing of marijuana or marijuana products only to another marijuana testing facility.

Sec. 203. *1. At the request of the Department of Taxation, a marijuana testing facility may be audited or certified by the State Department of Agriculture.*

2. If the State Department of Agriculture audits or certifies marijuana testing facilities, the State Department of Agriculture will perform such technical inspections of the premises and operations of a marijuana testing facility as the State Department of Agriculture determines is appropriate.

3. If the State Department of Agriculture audits or certifies marijuana testing facilities, each marijuana testing facility shall comply with the requirements established by the State Department of Agriculture.

Sec. 204. *1. The Department will establish a proficiency testing program for marijuana testing facilities. A proficiency testing program must include, without limitation, providing rigorously controlled and standardized proficiency testing samples to marijuana testing facilities for analysis, reporting the results of such analysis and performing a statistical evaluation of the collective demographics and results of all marijuana testing facilities.*

2. Each marijuana testing facility must participate in the proficiency testing program established pursuant to this section.

3. If required by the Department as part of being issued or renewing a license, the marijuana testing facility must have successfully participated in the proficiency testing program within the preceding 12 months.

4. To maintain continued licensure as a marijuana testing facility, a marijuana testing facility must participate in the designated proficiency testing program with continued satisfactory performance as determined by the Department.

5. A marijuana testing facility must analyze proficiency testing samples using the same procedures with the same number of replicate analyses, standards, testing analysts and equipment as used for product testing.

6. The scientific director of the marijuana testing facility and all testing analysts that participated in proficiency testing must sign corresponding attestation statements.

7. The scientific director of the marijuana testing facility must review and evaluate all proficiency testing results.

8. Successful participation includes the positive identification of 80 percent of the target analytes that the marijuana testing facility reports to include quantitative results when applicable. Any false positive results reported will be considered an unsatisfactory score for the proficiency testing.

9. Unsuccessful participation in proficiency testing may result in limitation, suspension or revocation of the license of the marijuana testing facility.

10. The Department will select a proficiency testing provider to conduct the proficiency testing program and determine the schedule that the proficiency testing provider will follow when sending proficiency testing samples to marijuana testing facilities for analysis.

11. In addition to achieving the standard required pursuant to subsection 8, a marijuana testing facility successfully participates in the proficiency testing program only if the marijuana testing facility:

- (a) Obtains single-blind proficiency testing samples from the proficiency testing provider;*
- (b) Analyzes the proficiency testing sample for all analytes listed in sections 197 to 200, inclusive, of this regulation;*
- (c) Reports the results of its analysis to the proficiency testing provider;*
- (d) Analyzes a proficiency testing sample pursuant to the proficiency testing program not less frequently than once each 12 months;*
- (e) Pays the costs of subscribing to the proficiency testing program; and*

(f) Authorizes the proficiency testing provider to submit to the Department the results of any test performed pursuant to this section.

12. The performance of a marijuana testing facility is satisfactory pursuant to subsection 4 if the results of the testing performed pursuant to this section are within the limits of the acceptance range established by the proficiency testing provider. A marijuana testing facility that fails to meet this standard may request that the Department allow the marijuana testing facility to retest a proficiency testing sample once to establish satisfactory performance. If the Department denies the request or if the marijuana testing facility fails to meet the standard on retesting, the Department may limit, suspend or revoke the license of the marijuana testing facility.

Sec. 205. 1. At the request of the Department of Taxation, the State Department of Agriculture may collect and test random samples from marijuana establishments and compare the results of its testing to the results reported by marijuana testing facilities.

2. A marijuana establishment shall provide samples to the State Department of Agriculture upon request if the State Department of Agriculture conducts testing pursuant to subsection 1.

Sec. 206. Each marijuana testing facility must establish policies for an adequate chain of custody and requirements for samples of products provided to the marijuana testing facility for testing or research purposes, including, without limitation, policies and requirements for:

- 1. Issuing instructions for the minimum sample and storage requirements;*
- 2. Documenting the condition of the external package and integrity seals utilized to prevent contamination of, or tampering with, the sample;*

3. *Documenting the condition and amount of the sample provided at the time of receipt;*
4. *Documenting all persons handling the original samples, aliquots and extracts;*
5. *Documenting all transfers of samples, aliquots and extracts referred to another marijuana testing facility for additional testing or whenever requested by a client;*
6. *Maintaining a current list of authorized marijuana establishment agents and restricting entry to the laboratory to only those authorized;*
7. *Securing the marijuana testing facility during nonworking hours;*
8. *Securing short- and long-term storage areas when not in use;*
9. *Utilizing a secured area to log-in and aliquot samples;*
10. *Ensuring samples are stored appropriately; and*
11. *Documenting the disposal of samples, aliquots and extracts.*

Sec. 207. 1. *Each marijuana testing facility must agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after licensure.*

2. *Each marijuana testing facility that claims to be accredited must provide the Department with copies of each annual inspection report from the accrediting organization, including, without limitation, any deficiencies identified in and any corrections made in response to the report.*

3. *Inspection by an accrediting organization is not a substitute for inspection by the Department.*

Sec. 208. 1. *Upon the request of the Department, a marijuana cultivation facility and a marijuana product manufacturing facility must provide a marijuana testing facility designated*

by the Department with a sample of marijuana or a marijuana product in an amount determined by the marijuana testing facility to be sufficient for random quality assurance compliance checks in a secure manner such that the marijuana testing facility can confirm that it has received and is testing the correct sample.

2. The marijuana testing facility that receives a sample pursuant to subsection 1 shall, as directed by the Department:

(a) Screen the sample for pesticides, chemical residues, herbicides, growth regulators and unsafe levels of metals;

(b) Perform any other quality assurance test deemed necessary by the Department; and

(c) Report its results to the Department.

3. The marijuana cultivation facility or marijuana product manufacturing facility is responsible for all costs involved in screening or testing performed pursuant to this section.

Sec. 209. *A marijuana testing facility is not limited in the amount of usable marijuana and marijuana products it may have on the premises of the marijuana testing facility at any given time, but the marijuana testing facility must maintain records to prove that all usable marijuana and marijuana products on the premises are there for testing purposes only.*

Sec. 210. *1. Upon approval of the Department, a lot of marijuana that fails a microbial screening test may be used to make an extract. After processing, the extract must pass all required quality assurance tests.*

2. If a sample from a marijuana product manufacturing facility fails a quality assurance test, the entire production run from which the sample was taken automatically fails the quality assurance test.

3. At the request of a marijuana cultivation facility or a marijuana product manufacturing facility, the Department may, on a case-by-case basis, authorize a retest to validate the results of a failed test. The marijuana cultivation facility or marijuana product manufacturing facility is responsible for all costs involved in a retest performed pursuant to this section.

4. A marijuana cultivation facility or a marijuana product manufacturing facility may not request a retest pursuant to this section unless, at the time samples are initially taken for testing, two samples are collected at the same time by a marijuana testing facility using tamper-resistant bags. One of the samples must be taken by the marijuana testing facility for testing and the facility must place the other sample in a secure quarantine storage area at the facility for further retesting by a secondary marijuana testing facility or the State Department of Agriculture.

5. A marijuana cultivation facility or a marijuana product manufacturing facility shall submit a request for retesting to the Department in writing and on a form designated by the Department.

6. If the Department grants a request for retesting, the Department will select the marijuana testing facility that will perform the retest.

7. Except as otherwise provided in this subsection, a marijuana cultivation facility or a marijuana product manufacturing facility may submit a request for retesting of not more than 50 lots each calendar year. For any subsequent failure of a quality assurance test in a calendar year, the facility shall destroy the lot or the entire production run, as applicable. A lot

which only fails a quality assurance test for moisture content must not be counted for the purpose of this subsection.

8. A failed quality assurance test for pesticide residue must be retested by the State Department of Agriculture.

9. If a sample passes the same quality assurance test upon retesting, the marijuana cultivation facility or marijuana product manufacturing facility need not destroy the lot or production run and may sell the lot or production run to a marijuana cultivation facility, retail marijuana store or marijuana product manufacturing facility, as applicable.

10. If a sample fails the same quality assurance test upon retesting, the Department denies a request for retesting or a marijuana cultivation facility or a marijuana product manufacturing facility does not request retesting after a sample fails a quality assurance test, the facility shall destroy the entire lot or production run from which the sample was taken.

Sec. 211. 1. *A marijuana distributor may transport marijuana and marijuana products between a marijuana establishment and another marijuana establishment or between the buildings of a marijuana establishment.*

2. A marijuana establishment shall not transport marijuana or marijuana products to a retail marijuana store unless the marijuana establishment holds a license for a marijuana distributor.

3. A marijuana distributor shall not purchase or sell marijuana or marijuana products unless the marijuana distributor holds a license for a type of marijuana establishment authorized by law to purchase or sell marijuana or marijuana products.

4. A marijuana distributor may enter into an agreement or contract with a marijuana establishment for the transport of marijuana or marijuana products. Such an agreement or contract may include, without limitation, provisions relating to insurance coverage, climate control and theft by a third party or an employee.

5. A marijuana distributor, and each marijuana establishment agent employed by the marijuana distributor who is involved in the transportation, is responsible for marijuana and marijuana products once the marijuana distributor takes control of the marijuana or marijuana products and leaves the premises of a marijuana establishment.

6. A marijuana distributor shall not allow a marijuana establishment agent to transport marijuana or marijuana products unless:

(a) The marijuana establishment agent carries a copy, for the duration of the transportation, of the transportation manifest generated using the seed-to-sale tracking system pursuant to section 212 of this regulation for the transportation;

(b) Each marijuana establishment agent involved in the transportation has, in his or her immediate possession, his or her marijuana establishment agent registration card or verification of temporary authorization;

(c) The marijuana or marijuana products are stored in a sanitary and secure manner in a lockbox or locked cargo area within the vehicle being used for delivery and not visible from outside the vehicle;

(d) The vehicle being used for delivery has no advertising, signage or other markings relating to marijuana; and

(e) The marijuana establishment agent transporting marijuana or marijuana products for the marijuana distributor on behalf of a marijuana establishment has a means of communicating with the marijuana establishment.

7. Each marijuana establishment agent transporting marijuana or marijuana products for a marijuana distributor must:

(a) Report to a person designated by the marijuana distributor to receive such reports any motor vehicle crash that occurs during the transportation within 2 hours after the crash occurs;

(b) Report to the Department any unauthorized stop that lasts longer than 2 hours; and

(c) Report to a person designated by the marijuana distributor to receive such reports any loss or theft of marijuana or marijuana products that occurs during the transportation immediately after the marijuana establishment agent becomes aware of the loss or theft. A marijuana distributor that receives a report of loss or theft pursuant to this paragraph must immediately report the loss or theft to the appropriate law enforcement agency and to the Department.

8. Each marijuana distributor shall maintain a log of all reports received pursuant to subsection 7 for review by the Department upon request.

9. Any marijuana or marijuana product which is damaged or refused by the receiving marijuana establishment must be transported back to the originating marijuana establishment.

Sec. 212. 1. Before transporting marijuana or marijuana products pursuant to section 211 of this regulation, a marijuana distributor shall:

(a) Ensure that all marijuana and marijuana products are secured at all times during delivery; and

(b) Maintain a physical or electronic copy of a transportation manifest generated using the seed-to-sale tracking system that contains all the information required by this section in a format approved by the Department.

2. A marijuana distributor may deliver marijuana or marijuana products to more than one marijuana establishment in a single trip if the transportation manifest correctly reflects the specific inventory destined for each specific marijuana establishment and location.

3. Before transferring marijuana or marijuana products to a marijuana distributor, the originating marijuana establishment shall enter the information required to indicate that the marijuana or marijuana products will be transported to the receiving marijuana establishment into the seed-to-sale tracking system. A marijuana establishment shall not list a marijuana distributor as the receiving marijuana establishment.

4. A marijuana distributor shall not alter the information which has been entered into the seed-to-sale tracking system pursuant to subsection 3.

5. If a marijuana distributor is not able to deliver marijuana or marijuana products directly to the receiving marijuana establishment due to normal business operations, the marijuana distributor shall notify the Department and the originating marijuana establishment of the premises where the marijuana or marijuana products will be stored and the anticipated date and time of delivery.

6. A marijuana distributor shall provide a copy of the transportation manifest generated using the seed-to-sale tracking system to the marijuana establishment receiving marijuana or

marijuana products. The copy of a transportation manifest provided to a marijuana establishment pursuant to this subsection must be generated separately for each marijuana establishment and must not contain the information of any other marijuana establishment.

7. The transportation manifest generated using the seed-to-sale tracking system must include, without limitation:

(a) The date and approximate time of the departure;

(b) The name, location, address and license number of the originating marijuana establishment;

(c) The name, location, address and license number of the receiving marijuana establishment;

(d) The name, location, address and license number of the marijuana distributor;

(e) The name and quantity, by weight and unit, of each product to be delivered to each marijuana establishment;

(f) The estimated date and time of arrival;

(g) The make, model, license plate number and number of the identification card issued pursuant to section 216 of this regulation of the vehicle used for delivery; and

(h) The name, number of the marijuana establishment agent registration card and signature of each marijuana establishment agent performing or accompanying the transportation of the marijuana or marijuana products.

8. In addition to the requirements of this section, the originating and the receiving marijuana establishment shall each ensure that each delivery satisfies the requirements of sections 108 and 109 of this regulation.

9. Before marijuana or marijuana products leave the originating marijuana establishment, the originating marijuana establishment shall adjust its records to reflect the removal of the marijuana or marijuana products in a manner that reflects the information included in the transportation manifest generated using the seed-to-sale tracking system and that can be easily reconciled, by the name and quantity of the marijuana or marijuana products, with the transportation manifest.

10. After receipt of marijuana or marijuana products, the receiving marijuana establishment shall:

(a) Confirm that the marijuana or marijuana products are as described in the transportation manifest;

(b) Adjust its records to reflect the receipt of the marijuana or marijuana products in a manner that reflects the information included in the transportation manifest generated using the seed-to-sale tracking system and that can be easily reconciled, by the name and quantity of the marijuana or marijuana products, with the transportation manifest; and

(c) Separately document, in the seed-to-sale tracking system and any other relevant business records, any differences between the quantity of marijuana or marijuana products specified in the transportation manifest and the quantities actually received.

11. After transferring marijuana or marijuana products to the receiving marijuana establishment, the marijuana distributor shall enter the end time of the trip in the trip plan and ensure that the trip plan, including any changes to the trip plan made pursuant to subsection 5, is accurate.

12. Each retail marijuana store and marijuana distributor shall maintain all documents required by this section and provide a copy of any such document to the Department for review upon request.

Sec. 213. *1. A marijuana cultivation facility or a marijuana product manufacturing facility may transport marijuana or marijuana products to or from a marijuana cultivation facility, a marijuana product manufacturing facility or a marijuana testing facility.*

2. A marijuana testing facility or a retail marijuana store may transport marijuana or marijuana products to or from a marijuana testing facility for testing.

3. The requirements of section 211 of this regulation for a marijuana distributor apply to a marijuana establishment that transports marijuana or marijuana products pursuant to this section without using a marijuana distributor.

Sec. 214. *A marijuana establishment shall not transport marijuana or marijuana products to a retail marijuana store unless the marijuana establishment:*

- 1. Holds a license for a marijuana distributor;*
- 2. Holds a medical marijuana establishment registration certificate and is only transporting marijuana or marijuana products for the medical use of marijuana;*
- 3. Is a marijuana testing facility transporting samples for testing; or*
- 4. Is a dual licensee and is only transporting marijuana or marijuana products for the medical use of marijuana to a medical marijuana dispensary or a dual licensee.*

Sec. 215. *1. A marijuana distributor may transport any amount of marijuana or marijuana products that does not violate the laws or regulations of this State or the limits established by the insurer who provides coverage for the marijuana distributor.*

2. A marijuana distributor shall not allow a marijuana establishment agent to transport marijuana or marijuana products unless the marijuana or marijuana products are:

(a) Except as otherwise provided in subsection 3, stored in a lockbox or locked cargo area within the vehicle being used for delivery;

(b) Not visible from outside the vehicle;

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

(d) Tagged for the purpose of inventory tracking with a unique identifying label prescribed by the Department for the duration of transport.

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

3. A marijuana distributor may allow a marijuana establishment agent to transport live marijuana plants in a fully enclosed, windowless, locked trailer or in a secured area inside the body of a locked van or truck if the plants are not visible from the outside.

4. A person shall not be present within any vehicle while it is being used for the transportation of marijuana or marijuana products unless the person is a marijuana establishment agent for the marijuana distributor providing transportation of the marijuana or marijuana products.

5. If the value of the marijuana and marijuana products being transported by a marijuana distributor in a vehicle, as reported on the transportation manifest as the insured

fair market wholesale value, exceeds \$25,000, the marijuana distributor shall ensure not fewer than two marijuana establishment agents of the marijuana distributor accompany the vehicle.

6. Each marijuana establishment agent who loads or unloads a vehicle for the transportation of marijuana or marijuana products shall perform the loading or unloading within view of the video surveillance system of a marijuana establishment.

Sec. 216. *1. A marijuana distributor that also holds a license for a marijuana establishment of another type and that is transporting marijuana or marijuana products between its own marijuana establishments located within the same building, within contiguous buildings or between buildings located within 500 feet of each other is not required to use a vehicle to perform the transportation.*

2. A marijuana distributor may use any motor vehicle that can legally be operated on the highways of this State and that meets the requirements of this section to transport marijuana and marijuana products.

3. Before using a motor vehicle to transport marijuana or marijuana products, a marijuana distributor must obtain the approval of the Department for the use of the motor vehicle. Upon approving a motor vehicle for use to transport marijuana or marijuana products, the Department will issue an identification card containing such information as the Department determines to be necessary which must be kept inside the motor vehicle at all times.

4. A marijuana distributor shall ensure that each motor vehicle used to transport marijuana or marijuana products:

(a) Has no advertising, signage or other markings relating to marijuana; and

(b) Is equipped with an audible car alarm.

5. A marijuana distributor shall provide adequate care for perishable marijuana products including, without limitation, refrigeration during transportation, if required. Any method for temperature control used during transportation must be approved by the Department before use. If a potentially hazardous marijuana product is being transported, the potentially hazardous marijuana product must be maintained at a temperature of less than 41°F (5°C) throughout transportation.

6. Each marijuana distributor shall maintain at least one motor vehicle using a method approved by the Department for temperature control during transportation.

7. The Department or its agent may inspect each motor vehicle used for transportation of marijuana or marijuana products by a marijuana distributor pursuant to sections 85 and 86 of this regulation.

Sec. 217. 1. *A marijuana distributor may transport marijuana or marijuana products between multiple marijuana establishments, but shall not simultaneously transport any other item unless the item is marijuana paraphernalia or merchandise, packaging or a promotional item directly related to the marijuana or marijuana product.*

2. A marijuana distributor shall not transport marijuana or marijuana products unless:

(a) During the transportation of marijuana or marijuana products, the driver of a motor vehicle for a marijuana distributor carries in the motor vehicle:

(1) Proof of valid insurance coverage in an amount required by the laws of this State;

(2) A copy of the license of the marijuana distributor;

(3) The marijuana establishment agent registration card or verification of temporary authorization of the driver;

(4) The valid driver's license of the driver; and

(5) The valid registration for the motor vehicle.

(b) All drivers used by the marijuana distributor are bonded in an amount sufficient to cover any claim that could be brought against the driver or the marijuana distributor discloses to all parties that such drivers are not bonded.

(c) The hours in which the marijuana distributor provides transportation are reasonable to allow for the delivery of marijuana and marijuana products to marijuana establishments during the operating hours of the marijuana establishments.

(d) The transportation is conducted only within the borders of this State.

(e) The marijuana establishment agent who transports marijuana or marijuana products only travels to and from marijuana establishments and does not make any unnecessary stops that are not disclosed in the trip plan and transportation manifest. The marijuana establishment agent may make a stop for fuel as necessary and keep a list of designated fuel stops along the route for submission to the Department upon request.

3. A marijuana distributor shall notify the Department using means determined by the Department if a motor vehicle being used for the transportation of marijuana or marijuana products by the marijuana distributor is stopped at a location other than a marijuana establishment or designated fuel stop, is involved in a motor vehicle crash or breaks down resulting in scheduled travel being interrupted for more than 2 hours.

4. A marijuana distributor shall use the seed-to-sale tracking system approved by the Department for any transportation of marijuana or marijuana products between marijuana establishments that are not co-located.

Sec. 218. 1. Each marijuana distributor shall maintain a storage area for marijuana and marijuana products which includes at least one area which is temperature controlled. The area which is temperature controlled shall be maintained in a commercial food grade unit which is kept at a temperature of less than 41°F (5°C) while storing potentially hazardous marijuana products.

2. The storage area for marijuana and marijuana products maintained pursuant to subsection 1 must be a separate, enclosed, locked facility. Products unrelated to the business of the marijuana distributor, including, without limitation, products containing alcohol, must not be stored with marijuana or marijuana products. Within the storage area, marijuana or marijuana products may only be stored in a secure, locked device, cabinet, room or motor vehicle within the storage area which is protected by a lock or locking mechanism that meets at least the security rating established by Underwriters Laboratories for key locks.

3. If a marijuana distributor experiences an unusual or extraordinary circumstance beyond its control as part of its normal business operations in providing transportation of marijuana or marijuana products and the marijuana distributor determines that it is necessary to use its storage area for the temporary storage of marijuana or marijuana products, the marijuana distributor shall submit to the Department a notice of temporary storage of marijuana or marijuana products.

4. A marijuana distributor shall not store marijuana or marijuana products for more than 3 days without written consent from the Department.

5. A marijuana distributor shall verify the inventory of a motor vehicle after the inventory is off-loaded into storage and before the inventory is on-loaded onto a motor vehicle from storage.

6. A marijuana distributor shall make its premises, including, without limitation, its storage area, available to the Department for inspection during normal business hours without notice.

Sec. 219. 1. Any edible product containing marijuana must:

(a) Be clearly and unambiguously packaged as marijuana with the words "THIS IS A MARIJUANA PRODUCT" in bold type that clearly identifies that the product contains marijuana;

(b) Be packaged in a manner which is not modeled after a brand of products primarily consumed by or marketed to children;

(c) Be presented in packaging which does not contain an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the marijuana product manufacturing facility which produced the product; and

(d) Not be packaged or marketed as candy.

2. When sold at a retail marijuana store, any edible product containing marijuana must be packaged in opaque, child-resistant packaging in accordance with 16 C.F.R. Part 1700 and the standards specified in subsection 3 or 4. The child-resistant packaging must maintain its

effectiveness for multiple openings before leaving the retail marijuana store with the consumer.

3. Except as otherwise provided in subsection 4, marijuana products in solid or liquid form must be packaged in:

(a) Plastic which is 4 mils or more in thickness; or

(b) If the product is in liquid form, a food-grade bottle.

4. Marijuana products in liquid form and concentrated marijuana must be packaged using a resealable cap in a container that:

(a) Clearly demarks each serving of marijuana in a way that enables a reasonable person to intuitively determine how much of the product constitutes a single serving of THC; and

(b) Includes a device that allows a reasonable person to intuitively measure and serve a single serving of THC.

↪ The portion of such a container that demarks each serving of marijuana need not be opaque.

5. Any container or packaging containing usable marijuana, concentrated marijuana or marijuana products must protect the contents from contamination and must be of a food grade material.

6. An edible marijuana product must be sealed in a container which is not transparent and sold in packaging which is opaque.

7. Each single serving in a multiple-serving edible marijuana product must be physically demarked in a way that enables a reasonable person to intuitively determine how much of the edible marijuana product constitutes a single serving. Each demarked serving must be easily

separable in a manner that allows an average person who is 21 years of age or over to physically separate, with minimal effort, an individual serving of the edible marijuana product.

8. If an edible marijuana product is of a kind that is impracticable to clearly demark each serving of marijuana or to make each serving easily separable, the edible marijuana product must:

(a) Contain not more than 10 milligrams of THC per unit of sale; or

(b) Be sold in a package that contains more than one individually wrapped single-serving edible marijuana product.

Sec. 220. Each marijuana cultivation facility, marijuana product manufacturing facility and retail marijuana store shall:

1. Use for labeling all marijuana and marijuana products the standard label described in sections 222 to 226, inclusive, of this regulation;

2. Exercise strict control over labeling materials issued for use in labeling operations for marijuana and marijuana products;

3. Carefully examine labeling materials issued for a batch for identity and conformity to the labeling specified in the applicable production or control records; and

4. Have and follow written procedures describing in sufficient detail the control procedures employed for the issuance of labeling.

Sec. 221. A marijuana cultivation facility or marijuana product manufacturing facility shall not label usable marijuana, concentrated marijuana or marijuana products as “organic” unless the marijuana plants and all ingredients used are produced, processed and certified in

a manner that is consistent with the national organic standards established by the United States Department of Agriculture in accordance with the Organic Foods Production Act of 1990, 7 U.S.C. §§ 6501 et seq.

Sec. 222. 1. *Unless preparing bulk packages only for delivery to another marijuana establishment and not for sale to a consumer, a marijuana establishment that packages marijuana or marijuana products must individually package, label and seal the marijuana or marijuana products in a single package for sale. A retail marijuana store shall only sell marijuana or marijuana products in a single package which must not contain:*

(a) More than 1 ounce of usable marijuana or one-eighth of an ounce of concentrated marijuana.

(b) For a marijuana product sold as a capsule, more than 100 milligrams of THC per capsule or more than 800 milligrams of THC per package.

(c) For a marijuana product sold as a tincture, more than 800 milligrams of THC.

(d) For a marijuana product sold as an edible marijuana product, more than 100 milligrams of THC.

(e) For a marijuana product sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.

(f) For a marijuana product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.

(g) For any other marijuana product, more than 800 milligrams of THC.

2. An edible marijuana product must be packaged in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams of THC per serving, and include a statement that the edible marijuana product contains marijuana and its potency was tested with an allowable variance of plus or minus 15 percent.

3. For marijuana or marijuana products that are intended to be sold to a consumer, the text used on all labeling must be printed in at least 8-point font and may not be in italics.

Sec. 223. *1. A marijuana cultivation facility shall label all marijuana before it sells the marijuana to a retail marijuana store and shall securely affix to the package a label that includes, without limitation, in legible English:*

(a) The name of the marijuana establishment and its license number;

(b) If the marijuana establishment 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 of final harvest;

(f) The date of final testing;

(g) The date on which the product was packaged;

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

(i) If the product is perishable, the expiration date;

(j) The quantity of marijuana being sold; and

(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 by a marijuana cultivation facility must be in substantially the following form:

SG'S NURSERY
License Number: 123 456 789 001 0001
Registration Certificate Number: 543 210789 000 0100
(if applicable)
THIS IS A MARIJUANA PRODUCT
Batch Number:
1234
Lot Number:
1234
Final Harvest Date:
01/01/2017

Final Testing Date: 01/15/2017

Packaged on: 01/17/2017

Best if used by: 03/17/2017

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: 2 lbs.

Sec. 224. 1. A marijuana product manufacturing facility shall label all edible marijuana products before it sells the edible marijuana products to a retail marijuana store and shall include on the packaging or securely affix to the package a label that includes, without limitation, in legible English and in a manner which must not mislead consumers:

(a) The name of the marijuana establishment and its license number;

(b) If the marijuana establishment 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, as defined in NRS 453A.105, operated by the dual licensee;

(c) The production run number;

- (d) The words “Keep out of reach of children”;*
 - (e) The date of production;*
 - (f) The date of final testing;*
 - (g) The date on which the product was packaged;*
 - (h) The cannabinoid profile and potency levels and terpenoid profile of the top three terpenes as determined by the marijuana testing facility, which may include the potential total THC but must not include any other calculated level of THC;*
 - (i) If the product is perishable, the expiration date;*
 - (j) The total amount of THC in the edible marijuana product, measured in milligrams;*
 - (k) The total amount of THC in each serving of the edible marijuana product and a notice that the actual amount of THC may be within 15 percent of the stated amount;*
 - (l) A list of all ingredients and all major food allergens as identified in 21 U.S.C. § 343;*
 - (m) The net weight of the product;*
 - (n) If concentrated marijuana was added to the product or if the product consists solely of concentrated marijuana, a disclosure of the type of extraction process used and any solvent, gas or other chemical used in the extraction process or any other compound added to the concentrated marijuana; and*
 - (o) 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 edible marijuana products sold by a marijuana product manufacturing facility must be in substantially the following form:*

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

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Electronic mail address: pojunis@gmail.com

Name of entity or organization represented: Libertarian party/Players Network

Jim Wadhams

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Name of entity or organization represented: Clear River

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Name of entity or organization represented: THC Nevada

Geoffrey Lawrence

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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
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Craig Rombough
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Business address: 6265 Saddle Tree Drive, Las Vegas, NV 89118
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Name of entity or organization represented: Mother Herb

Jeramy Edgel
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Jason Henslee
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Business address: not provided
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Name of entity or organization represented: citizens of Nevada

Irene Rombough
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Electronic mail address: irenerombough10@aol.com
Name of entity or organization represented: Mother Herb

Jason Sturtsman
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Electronic mail address: not provided
Name of entity or organization represented: WeCan (Wellness Education Cannabis Advocates of Nevada)

Joshua Hicks

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

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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

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

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Name of entity or organization represented: Nevada Press Association

Susan Hays

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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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Phone: (702) 486-2300 Fax: (702) 486-2373

RENO OFFICE
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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



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DEPARTMENT OF TAXATION**

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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: _____



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

STATE OF NEVADA DEPARTMENT OF TAXATION

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Phone: (702) 486-2300
Fax: (702) 486-3377

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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STATE OF NEVADA DEPARTMENT OF TAXATION

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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. <i>Please note: The content of this response must be in a non-identified format.</i>		40
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>	
<p>A plan which includes:</p> <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. <p><i>Please note: The content of this response must be in a non-identified format.</i></p>	20
<p>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:</p> <ul style="list-style-type: none"> Building plans with supporting details. <p><i>Please note: The content of this response must be in a non-identified format.</i></p>	20
<p>A proposal demonstrating:</p> <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. <p><i>Please note: The content of this response must be in a non-identified format.</i></p>	15
Application Total	250
<p>Unweighted:</p> <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"/> LLC	<input type="checkbox"/> Corp. <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:
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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
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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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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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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.

Signature of Requestor/Applicant or Designee Date: _____

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



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

STATE OF NEVADA DEPARTMENT OF TAXATION

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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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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