1. Working group name:

*Operations- Retail Establishment*

1. Individual sponsor(s):

*Riana Durrett, Executive Director, Nevada Dispensary Association*

*Andrew Jolley, President, Nevada Dispensary Association*

1. Describe the recommendation:

*The Operations- Retail Establishment working group recommends that no law, regulation, or ordinance should be passed that would interfere with the ability of a medical marijuana establishment and a retail marijuana establishment to operate at the same location. No law, regulation, or local ordinance should be passed that would interfere with a dual licensee’s ability to serve patients and recreational customers in the same retail area. No law, regulation, or local ordinance should be passed that would require changes in the design and construction of licensed medical marijuana dispensaries to allow for dual use.*

*These recommendations are based on the following propositions:*

* *The Nevada medical marijuana program leads the nation in its testing, tracking, security, and cleanliness standards;*
* *The Nevada medical marijuana program has been successful in protecting patient and public health and safety;*
* *Nevada has successfully avoided the public health problems other states with legalized marijuana have faced;*
* *Colorado and Oregon regulators have emphasized the benefits of combing the medical and recreational marijuana programs;*
* *Colorado and Oregon regulators have advised Nevada legislators to avoid the inefficiencies and confusion that results from having separate medical and recreational programs; and*
* *IP1 expressly states that the Department of Taxation may not pass regulations that would make operation of a marijuana business unreasonably impracticable.*

1. Which guiding principle(s) does this recommendation support?

*Guiding Principle 2 - Be responsive to the needs and issues of consumers, non-consumers, local governments and the industry*

*Guiding Principle 4 -* *Propose efficient and effective regulation that is clear and reasonable and not unduly burdensome*

*Guiding Principle 6 - Establish regulations that are clear and practical, so that interactions between law enforcement, consumers, and licensees are predictable and understandable*

1. What provision(s) of Question 2 does this recommendation apply to?

*This recommendation applies to Initiative Petition 1 (“IP1”), Section 5, which bestows the responsibility for regulating recreational marijuana in the Department of Taxation and allows for a “dual license” of retail and medical establishments. Under the Nevada Constitution, an initiative petition cannot be amended by the Nevada Legislature for three (3) years. Therefore, in order to implement dual use establishments, any NRS or NAC must comply with IP1 and any NRS revisions must be made to the medical program under NAC 453A and not to IP1.*

1. What issue(s) does the recommendation resolve?

*This recommendation carries out the provision in IP1 that allow for dual license establishments.*

*IP1 allots a certain number of retail marijuana dispensaries and allows the owners of a medical marijuana establishment license to also “operate a marijuana establishment.” IP1 anticipates that these will be operated at the same location and allowing them to operate at the same location promotes efficiency and a reduction in the physical number of establishments.*

1. Was there dissent in the group regarding this recommendation? If yes, please provide a summary of the dissenting opinion regarding the recommendation.

*There was no direct dissent, but Chairman Wes Henderson did express that the incorporated cities that he represents would oppose state laws that would interfere with their ability to govern how businesses within their jurisdiction operate.*

1. What action(s) will be necessary to adopt the recommendation? Will statute, policy, regulations, etc. need to be addressed?

*NRS requires revisions as it currently only addresses the medical program. The retail marijuana program should be set forth in NRS 453A, or a separate section, for example, NRS 453E.*

1. Additional information (cost of implementation, priority according to the recommendations, etc).

*None*