

Banking – Recommendation

1. Working group name:

Consumer Safety, Education and Health

2. Individual sponsor(s):

Joe Hardy, Nevada Senate

Joe Iser, Chief Health Officer, Southern Nevada Health District

Dr. John DiMuro, Chief Medical Officer, NV Dept. of Health and Human Services

3. Describe the recommendation:

The Nevada banking systems needs re-tooling or NRS implementation of banking authority for both medical and recreational marijuana. This recommendation will help to assure that the marijuana industry is competitive compared to other states, where recreational marijuana is legal to varying degrees. This will also help to undermine the black market and illegal cartel action. As Colorado moves to protect its industry by developing laws and regulations that would convert recreational marijuana vendors into medical marijuana vendors, Nevada should consider the same.

In the State of Oregon, last year the legislature passed a bill (HB 4094) that provided financial institutions protection from criminal liability for providing financial services to registered or licensed marijuana businesses. The bill also allowed the agency to share registrant/licensee information with state banks if they requested it. While the legislation protected banks from what would have been violations of state banking law, the effect was minimal because federal banking laws largely govern these institutions. It is recommended that Nevada allow credit unions with State charters provide services to marijuana businesses in Nevada. A credit union will perform due diligence and get a lot of specifics on the business to make sure it is compliant with state laws and regulations before it accepts it as a client and continuously throughout the relationship.

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

Guiding Principle 6 - Establish regulations that are clear and practical, so that interactions between law enforcement (at the local, state and federal levels), consumers, and licensees are predictable and understandable.

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

Section 15 Marijuana excise tax.

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

A recent article in the Las Vegas Review-Journal (“Nevada’s legal marijuana industry faces banking problem,” April 1, 2017) discussed issues in Nevada. These include:

- *There will be an influx of cash that has no bank to utilize due to federal law.*
- *Companies cannot get loans or take debit or credit cards.*
- *Companies cannot pay taxes without using cash.*
- *Companies may not be able to get financing.*
- *There may be banking and other solutions being pioneered by other recreational marijuana states.*

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

No dissent.

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

Likely Nevada legislative and administration actions.

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

Unsure, but likely nothing.

Clean Air Act – Recommendation

1. Working group name:

Consumer Safety, Education and Health

2. Individual sponsor(s):

Joe Hardy, Nevada Senate

Joe Iser, Chief Health Officer, Southern Nevada Health District

Dr. John DiMuro, Chief Medical Officer, NV Dept. of Health and Human Services

3. Describe the recommendation:

Marijuana smoke, along with vapors and other tobacco products, needs to be included in the Nevada Clean Indoor Air Act.

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

Guiding Principle 1 - Promote the health, safety, and well-being of Nevada's communities

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

Guiding Principle 3 - Ensure the youth are protected from the risks associated with marijuana, including preventing the diversion of marijuana to anyone under the age of 21

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 (at the local, state and federal levels), consumers, and licensees are predictable and understandable

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

Section 5. Powers and duties of the Department.

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

A safer and healthier indoor air in businesses and public areas.

Clean Air Act - Recommendation

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

No dissent.

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

Open the NCIAA and add in these provisions.

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

Unsure, but likely nothing.

Education - Recommendation

1. Working group name:

Consumer Safety/ Education/ Health Working Group

2. Individual sponsor(s):

Linda Lang, Nevada Statewide Coalition Partnership

John Packham, Director of Health Policy Research, UNR School of Medicine

Jen Solas, Wellness Education, Cannabis Advocates of Nevada

Michelle Berry, Center for the Application of Substance Abuse Technologies (CASAT)

3. Describe the recommendation:

INTRODUCTION

This recommendation is proposed to develop, support, and fund education and training to the citizens of Nevada specific to recreational marijuana and its impacts. Safety and education campaigns should be informed by the experience of other states that have developed effective messages on the safe, legal, and responsible use of recreational marijuana. Additionally, Nevada should use best practices from other states when developing messaging and establishing an unbiased, fact-based website such as Colorado's Department of Public Health & Environment website and Colorado's Good to Know campaign.

This recommendation will also support the collection of baseline data to determine impacts on the emerging issues associated with the legalization of recreational marijuana and support research and/or monitor emerging science.

This recommendation will provide support for ongoing involvement from members of the current working groups to address and stay informed on issues as they arise from passage of legislation and initial implementation.

Lastly, funding and staffing of the below education and training campaigns should be supported by the taxation of recreational marijuana, as determined by the 2017 legislative session, and the distribution of revenue should commensurate with the goal of protecting the health, safety, and well being of all Nevadans and visitors to the state.

PUBLIC AT LARGE EDUCATION

- Educating the public about the health effects and risks of marijuana based on an ongoing assessment of scientific research on marijuana use on human health and the dissemination of current evidence on health effects and risks via mass-reach communications, targeted education and outreach, and culturally and linguistically appropriate messages and materials.*
- Educating the public about the provisions of Question 2 and the legal use of marijuana in Nevada, including knowledge of legal restrictions on the public consumption of marijuana,*

Education - Recommendation

smoke-free policies in Nevada, the diversion of marijuana products to children and youth under the age of 21, and marijuana-impaired driving.

- *Ongoing evaluation and assessment of the public awareness campaign on increasing accurate knowledge on the health impacts and risks of marijuana use, legal aspects of marijuana use in Nevada, and the safe and responsible use of marijuana; and the ongoing incorporation of lessons learned (what works and does not work) into future public awareness messaging and strategy.*
- *The statewide public awareness campaign should also be informed by effective public awareness strategies currently used in alcohol and tobacco prevention and control – in particular, science-based, experience-informed communication strategies for preventing underage initiation and use of alcohol and tobacco products.*
- *The statewide public awareness campaign should include mass-reach health communications directed at the general public, targeted health communications strategies (e.g., school-based education, age-appropriate messaging), and culturally and linguistically appropriate messaging and materials.*

CONSUMER EDUCATION

- *Educating consumers and potential consumers about health and safety concerns associated with eating or smoking marijuana products, including but not limited to dosage and THC content, safe storage practices, and combining marijuana use with other substances such as alcohol.*
- *Education on home cultivation standards and the lack of testing of contaminants or pathogens, proximity and remuneration requirements.*
- *Ensuring consistency between campaign education and messaging and industry marketing and advertising – particularly, statements or claims on health and safety risks of marijuana use inconsistent with current science and research.*
- *Ongoing evaluation and assessment of the consumer education campaign on increasing accurate knowledge on the health impacts and risks of marijuana use, legal aspects of marijuana use in Nevada, and the safe and responsible use of marijuana; and the ongoing incorporation of lessons learned (what works and does not work) into future consumer education messaging and strategy.*
- *Support the Retailer Working Group recommendation of requiring establishments to distribute information at the time of sale specific to recommended serving size and recommended dosage limits (start low, go slow).*

VISITOR EDUCATION

- *Educating tourists and business/family related visitors on the health and safety concerns associated with eating or smoking marijuana products, including but not limited to dosage and THC content.*
- *Create messaging around State laws, location of local of dispensaries, restrictions in marijuana use locations, penalties for marijuana use, sale, possession laws and violation consequences, marijuana testing for DUIs, and risks associated with use.*

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WORKPLACE EDUCATION

- *Educating Employers/Human Resource staff of businesses including public schools K – 12 and colleges/universities administration, students of post-secondary educational institutions, government agency administrators, and employees.*
- *Messaging for employers to include marijuana “101” training - products, effects of short and long term use impairment, use trends, signs and symptoms, cost of drug use by employees and work place drug use consequences, employer challenges – identifying products with marijuana content, employees in company vehicles or wearing a business logo shirt while using or purchasing marijuana, finding applicants that can pass a drug test, employer rights – unemployment laws, Worker’s Compensation Act, Zero Tolerance, drug-testing employees, “Safe and Drug Free Workplace” and drug use policy options.*
- *Messaging to employees and students to include medical marijuana use during the work day or on the job site restrictions, Nevada law – medical versus recreational and limitations related to job site and employers’ rights relative to employee use of marijuana.*

HEALTH PROFESSIONAL EDUCATION

- *Health professionals need to be adequately educated on the health effects of marijuana. Minimum educational standards should be established for each “health professional,” including but not limited to physicians, registered nurses and nurse practitioners, and mental and behavioral health professionals.*
- *Healthcare providers should have a minimum of 2 hours per year every other credit cycle, and others need similar educational requirements. For healthcare providers, requirements should include a differentiation between medical and recreational issues. The Chief Medical Officer can provide quarterly updates to disseminate most current guidelines and information and can work with health professional associations in Nevada on crafting continuing medical education (CME) and continuing education (CE) requirements.*
- *The CMO or DPBH should offer these credits in conjunction with the health professional associations for each provider’s established requirements on prescription drugs/medications, with the alternate cycle on recreational (legal or illegal) drugs and substances (alcohol, marijuana, tobacco, others).*

OTHER PROFESSIONAL EDUCATION

- *Education to include school personnel, law enforcement, prevention specialists, treatment providers, first responders, social workers, counselors, legal professionals, mental health providers, etc.*
- *Messaging to include history and events, epidemiology of marijuana trends, marijuana laws, implications of holding a marijuana card and being impaired at the workplace, potency, effects on the brain and routes of administration.*
- *Messaging to include facts on Nevada Law, employer’s rights and referral resources when working with clients, colleagues, members of the community, and organizational staff, referral resources and short screening tools.*
- *Include targeted messaging for key populations including Native American adolescents, Latino families, young adolescents 12-14, adolescent ages 13-15, HIV positive youth 16-24*

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year olds, incarcerated adolescent post-release, college populations, young adult women (18-24), and youth living in communities with high availability of drugs.

DISPENSARY/RETAILER EDUCATION

- *Education of establishment agents including Dispensaries, Labs, Production, Cultivation and Transportation.*
- *Model NRS 453A.370-7 for recreational marijuana, which states “establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer or provide labor as a medical marijuana establishment agent.”*
- *Employee and Employer training program to be submitted as part of licensing agreement via a submitted syllabic meeting requirements of marijuana support license category.*
- *All education/training funded by the industry, not government.*

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

Guiding Principle 1 - Promote the health, safety, and well-being of Nevada’s communities

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

Guiding Principle 3 - Ensure that youth are protected from the risks associated with marijuana, including preventing the diversion of marijuana to anyone under the age of 21

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

- *Section 2.d – selling or giving marijuana to persons under 21 years of age shall remain illegal*
- *Section 2.e – individuals will have to be 21 years of age or older to purchase marijuana*
- *Section 4. 1.b – knowingly delivering, giving, selling, administering, or offering to sell, administer, give, or deliver marijuana to a person under 21 years of age*
- *Section 4.2.a – a public or private employer from maintaining, enacting, and enforcing a workplace policy prohibiting or restricting actions or conduct*
- *Section 5.1.h – reasonable restrictions on signage, marketing, display, and advertising*
- *General education as needed to consumers, non-consumers, targeted professions, and targeted populations*

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

The legalization of marijuana is likely to increase demand and usage, with effects on the general public. Citizens must have access to current and accurate information that will:

- *Allow for the protection of those under 21 years of age*
- *Protect consumers of marijuana*
- *Protect vulnerable populations*
- *Increases public knowledge and awareness*

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- *Promote and protect the public health*
- *Provide for workplace safety*
- *Ensure certain professions are trained*
- *Discourage impaired driving*
- *Protect non-consumers and those that choose to not be exposed to marijuana smoke or edibles*
- *Further define complexities of Nevada state law*

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

No dissent

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

In consideration of the likelihood of retail sales of recreational marijuana commencing on July 1, 2017 and the fact that the Governor's current budget for the next biennium provides no specific or dedicated funding for any of the consumer education/health/safety recommendations detailed in our recommendations, state policymakers and the current legislature must immediately consider a funding mechanism for the education and outreach to the public, consumers, and visitors of Nevada that must also commence on or before July 1, 2017.

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

Costs for this recommendation will be in the following areas:

- A. *Media campaigns – Local and state agencies will partner with various media outlets to maximize exposure to the public regarding marijuana.*
- B. *Education and training – Training for all the various groups in this recommendation will require funding and planning for consistency across all groups.*
- C. *Development of statewide website – Development and ongoing maintenance of a statewide website will require staffing and funding allocation. Integration must also occur with all messaging recommendations from other Working Groups.*
- D. *Employer Business Costs - Random or required drug testing for businesses, cost of trainers to explain the rights and responsibilities of employers and employees under Nevada law.*

In Section 16 of Question 2, it states that any tax revenues, fees or penalties collected pursuant to section 1 to 18, inclusive, of this act, first must be expended to pay the costs of the Department and of each locality in carrying out section 1 to 8, inclusive, of this act and the regulations adopted pursuant thereto. The recommendation is that revenues and fees be applied

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to the educational recommendations as proposed to develop, support, and fund education and training to the citizens of Nevada specific to recreational marijuana and its impacts.

Research – Recommendation

1. Working group name:

Consumer Safety/Education/Health Working Group

2. Individual sponsor(s):

John Packham, Director of Health Policy Research

John DiMuro, Chief Medical Officer, Nevada Division of Public and Behavioral Health

Linda Lang, Nevada Statewide Coalition Partnership

3. Describe the recommendation:

It is recommended that the State of Nevada establish and fund a program of research to evaluate and assess the immediate and long-term impact of Ballot Question 2 on marijuana use and public health in Nevada.

This program of research and data collection should include:

(1) clinical and observational research,

(2) health policy and health economics research, and

(3) public health and public safety research undertaken by university-based researchers and policy analysts at UNR, UNLV, other institutions of higher education in Nevada, and policy analysts at the State of Nevada in accordance with final recommendations for marijuana research contained in the National Academies of Sciences, Engineering, and Medicine's consensus report, [The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research](#) (2017).

The recommended Nevada program of research on marijuana and health should include or facilitate:

- Establishment of baseline metrics and data on patterns of marijuana use and health impacts in youth and adult populations following legalization of recreational marijuana, and the identification of subgroups at high risk for physiological and psychological damage in relation to patterns of use and doses of marijuana;*
- To the extent that potential health hazards are identified, evidence-based policy research findings should be utilized to address possible safeguards and precautions to protect consumers and at-risk populations;*
- Establishment of ongoing, longitudinal research and data collection that monitors of patterns of marijuana use and their health impacts for youth, adult, and at-risk populations;*
- Establishment of ongoing research and data collection that monitors of patterns of health care utilization and treatment costs associated with changes in marijuana consumption;*

Research – Recommendation

- *Establishment of annual reporting requirements of data collection and research findings to inform policy development for local and state agencies and authorities charged with promoting and protecting the public's health;*
- *Use of Nevada-cultivated marijuana for research on the therapeutic effects and other health effects of marijuana on human health and well-being;*
- *Establishment of a medical database for workers in the marijuana cultivation industry to ensure occupational health and safety, including baseline medical testing; and*
- *Funding and staffing commensurate with the establishment and operation of an effective research program on marijuana and health needed to monitor and assure public health and safety following marijuana legalization in Nevada.*

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

Guiding Principle 1 – Promote the health, safety, and well-being of Nevada's communities.

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

Question 2 does not address the need for public health monitoring and surveillance, or a mechanism for funding this type of ongoing research and evaluation.

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

Question 2 does not establish a program or a funding mechanism for establishing baseline data or a program of research to evaluate patterns of marijuana use or the impact of marijuana use on population health in Nevada.

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

No dissent.

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

Developing an explicit dedication of retail tax revenue, since Question 2 does not provide such revenue for public health monitoring and surveillance.

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

Costs may be incurred by industry if medical evaluations are mandated for workers in the cultivation sector.