1. Working group name:

*Law Enforcement Working Group*

1. Individual sponsor(s):

*Jill Tolles, Nevada Assembly*

*Mike Allen, Sheriff, Humboldt County Sheriff’s Office*

*Brian Sooudi, Assistant City Attorney, City of Reno*

*Riana Durrett, Executive Director, Nevada Dispensary Association*

1. Describe the recommendation:
   * 1. *Adapt NRS 453 statutes regarding requirements for medical marijuana establishments pertaining to security personnel during business hours, ID check stations, video surveillance and locked access to inventory to be applied to recreational establishments.* 
        1. *Require retailers to verify age for all sales by checking a photographic ID through an ID scanner to prevent or at least decrease the use of fake IDs and human error.*

*Require in person staff to use the same age verification scanners* ***approved by the state*** *that bars and business have been installing throughout the state ID to determine validity of any government issued photo identification card.*

* + - 1. *Require signage to be prominently displayed at dispensaries stating activities that are strictly prohibited and punishable by law, including but not limited to:* 
         1. *distribution to persons under the age of 21*
         2. *possession of marijuana over 1 ounce*
         3. *transportation across state lines*
         4. *failure to prevent access to persons under the age of 21*
      2. *Allow only marijuana products****,*** *and marijuana-related accessories****, CBD products, and hemp products related to marijuana*** *to be offered in retail marijuana stores. Prohibit the sale of traditional (non-marijuana) food, beverage, personal care items (lotions, lip balms) so there is no confusion that all products sold in an adult-use marijuana retail establishment do include marijuana.*
      3. *Require retail establishments to sell lock boxes.*
      4. *Create civil penalties for (including but not limited to individual and retail establishment civil penalties and/or loss of licensure) for failing to follow proper security and ID check procedures* ***and create provisions for law enforcement to use a 72-hour hold license when necessary to investigate suspected grave violations.***
    1. *Prohibit all use of use self-service machines such as a vending machine for the purchase and dispensing of marijuana products.*
    2. *Create policy to reduce or prevent certain advertising of recreational marijuana that would be appealing to minors.*
       1. *Suggest imposing the same restrictions that have been placed on the tobacco industry.*
          1. *Time, Place and Manner Restrictions*

*The state and local governments can impose specific bans or restrictions on the time, place, and manner of advertising.*

* + - * 1. *Examples*

*Ban outdoor advertising within 1,000 feet of schools and playgrounds.*

*Ban brand sponsorships of sports and entertainment events* ***that are not restricted to persons 21 or older****.*

*Ban free giveaways of any non-marijuana items with the purchase of a product or in exchange for coupons or proof of purchase of marijuana.*

*Limit any outdoor and all point-of-sale marijuana advertising, except in adult-only facilities, to black text on white background only.*

*Ban advertising in publications with significant youth readership.*

*Limit audio-visual advertising (e.g., at point of purchase), except in adult-only facilities, to black text on white background visuals and spoken words (no music, images or moving images).*

* + - 1. *Create restrictions on the shape, color, form, graphics, packaging and naming of edibles to eliminate confusion with candy or other similar products to reduce the likelihood of appealing to minors.*
      2. *Create strict penalties for manufacturing and distributing edibles that look like candy, desserts, cookies or other products that could appeal to children.*
      3. *Require edible product labels to list ingredients, cannabinoid content, Total THC content as % by weight; OR Total mg dose for activated THC or TOTAL THC.*
    1. *Create a structure for graduated civil and/or criminal penalties for:*
       1. *knowingly selling or giving marijuana to a person under 21 years of age; (NRS 453D)*
          1. A person shall not possess or consume marijuana or marijuana concentrate while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility.
          2. A person who is responsible for the safety or welfare of a child pursuant to [NRS 432B.130](https://www.leg.state.nv.us/NRS/NRS-432B.html#NRS432BSec130) shall not permit or allow that child to possess or consume marijuana or marijuana concentrate.

NRS 432B.130: A person is responsible for a child’s welfare under the provisions of this chapter if the person is the child’s parent, guardian, a stepparent with whom the child lives, an adult person continually or regularly found in the same household as the child, a public or private home, institution or facility where the child actually resides or is receiving care outside of the home for all or a portion of the day, or a person directly responsible or serving as a volunteer for or employed by such a home, institution or facility.

* + - * 1. *Exposing a person or persons under the age of 21 to concentrated second hand smoke* ***from marijuana****.*
        2. *Undertaking any task* ***Abusing or neglecting a minor*** *under the influence of marijuana while supervising or caring for minors.*
        3. *Smoking and/or vaping* ***marijuana*** *in public places unless otherwise explicitly permitted by state law.*
      1. *Create judicial guidelines for treatment orders for persons caught with marijuana under the age of 21.*

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

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

*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.*

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

*“Lastly, this ballot measure would impose criminal penalties for certain violations related to the possession, use, sale, and cultivation of marijuana and marijuana plants. Criminal offenses would include violations of the marijuana cultivation laws set forth in the measure; public consumption of marijuana; a person falsely representing himself or herself to be 21 years of age or older in order to obtain marijuana; and knowingly giving marijuana to a person under 21 years of age.”*

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

*Prevention efforts pertaining to distribution to minors.*

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

*"The Nevada Dispensary Association’s only dissent to this recommendation is the suggestion to prohibit all brownies, cookies, and candy.  First, the NDA has actively supported restricting certain candy, such as candy shaped like mascots, humans, fruit, and fruit. NDA has testified in support of further restrictions on the shapes of edible products and has even requested restrictions that would go further than other states by combining the restrictions from both Colorado and Oregon.*

*Next, the term candy is overly broad and should be defined. NDA suggests candy should be defined as a product with sugar that is shaped like a human, fruit, animal, cartoon, balloon, mascot, or the Department determines is primarily marketed to children.*

*Next, there are several more important safeguards to protect children, such as providing storage devices and warnings to keep out of the access of children.*

*Finally, Initiative Petition 1 specifically states that the Department shall promulgate regulations surrounding edibles.  A ban on all edibles is not consistent with that language."*

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

*Legislation required for retail establishment restrictions, civil and criminal penalty structures and judicial guidelines for treatment orders.*

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

*TBD*