1. Working group name:

*Cultivation Working Group*

1. Individual sponsor(s):

*Lynn Hettrick – Division Administrator - Nevada Department of Agriculture*

*Tessa Rognier – Agriculturist III - Nevada Department of Agriculture*

1. Describe the recommendation:

*Recommendation is to use the existing statutes for pesticide application and the existing Medical Marijuana Cultivation statutes, regulations and policies to regulate Outdoor and Indoor Cultivation of Marijuana in regards to pesticides that can be applied on marijuana crops in the state of Nevada.*

***PESTICIDES USED ON MARIJUANA***

***NRS 555.380  Regulations of Director: Materials and methods for application.***

*1.  The Director may, by regulation, prescribe materials or methods to be used and prohibit the use of materials or methods in custom application of pesticides, to the extent necessary to protect health or to prevent injury because of the drifting, washing or application of those materials to desired plants or animals, including pollinating insects and aquatic life.*

*2. In adopting the regulations, the Director shall give consideration to relevant research findings and recommendations of other agencies of this State or of the Federal Government.*

***NRS 586.550  Requirements for use of certain pesticides by medical marijuana establishments; publication of list of approved pesticides for use on medical marijuana.***

1. *A medical marijuana establishment may use a pesticide in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products if the pesticide:*

*(a) Is exempt from registration pursuant to 40 C.F.R. § 152.25 or allowed to be used on Crop Group 19, as defined in 40 C.F.R. § 180.41(c)26, hops or unspecified crops or plants;*

*(b) Has affixed a label which allows the pesticide to be used at the intended site of application; and*

*(c) Has affixed a label which allows the pesticide to be used on crops and plants intended for human consumption.*

*2. The State Department of Agriculture shall, in accordance with the provisions of this pursuant to this section and accept requests from pesticide manufacturers and medical marijuana establishments, or a representative thereof, to add pesticides to the list.*

*3.  As used in this section:*

*(a) “Edible marijuana products” has the meaning ascribed to it in*[*NRS 453A.101*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec101)*.*

*(b) “Marijuana” has the meaning ascribed to it in*[*NRS 453A.110*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec110)*.*

*(c) “Marijuana-infused products” has the meaning ascribed to it in*[*NRS 453A.112*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec112)*.*

*(d) “Medical marijuana establishment” has the meaning ascribed to it in*[*NRS 453A.116*](https://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec116)*.*

*(Added to NRS by*[*2015, 3103*](https://www.leg.state.nv.us/Statutes/78th2015/Stats201529.html#Stats201529page3103)*)*

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

*Guiding Principle 7 - Take action that is faithful to the text of Question 2*

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

*The provisions of Question 2 that allow for Dual Licensing.*

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

*Establishes clear and practical guidelines that, regardless of which program marijuana is cultivated under, the pesticide application policy will remain uniform in application.*

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

*No dissent*

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

*Utilize the existing provisions of* ***NRS 555.380*** *and* ***NRS 586.550;*** *which provide the Nevada Department of Agriculture the authority to regulate pesticide applications and adapt the existing Medical Marijuana DPBH statutes, regulations and policies regarding pesticide application for all marijuana cultivation in Nevada.*

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

*The authority to regulate pesticide applications at marijuana establishments exists within NRS 555.380 and NRS 586.550 as they are written, without altering the existing NRS.*