1. Working group name:

*Labs Working Group*

1. Individual sponsor(s):

*Ed Alexander- Common Sense Botanicals*

*Alec Garcia- 374 Labs*

1. Describe the recommendation:

Adopt the proficiency requirement from the Medical program and allow the Department of Tax and Department of Agriculture to improve the existing PT program as we move forward.

*NAC 453A.660  Proficiency testing program: Establishment by ~~Division~~ the Department; participation. (*[*NRS 453A.370*](http://www.leg.state.nv.us/NRS/NRS-453A.html#NRS453ASec370)*)*

1. *The Department of Agriculture will establish a proficiency testing program for independent testing laboratories.*
2. *Each independent testing laboratory 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 marijuana establishment registration certificate, the independent testing laboratory must have successfully ~~participated~~ passed ~~in~~ the proficiency testing program. ~~within the preceding 12 months.~~*
4. *To maintain continued registration as an independent testing laboratory, a laboratory must participate in the designated proficiency testing program with continued satisfactory performance as determined by the Department.*
5. *An independent testing laboratory must analyze proficiency test 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 independent testing laboratory and all testing analysts that participated in a proficiency test must sign corresponding attestation statements.*
7. *The scientific director of the independent testing laboratory must review and evaluate all proficiency test results.*
8. *~~An independent testing laboratory must take and document remedial action when a score of less than 100 percent is achieved during a proficiency test. Documentation of remedial action must include, without limitation, a review of samples tested and results reported since the last successful proficiency test.~~*
9. *~~Successful participation is the positive identification of 80 percent of the target analytes that the independent testing laboratory reports to include quantitative results when applicable. Any false positive results reported will be considered an unsatisfactory score for the proficiency test.~~*
10. *Unsuccessful participation in a proficiency test may result in limitation, suspension or revocation of the marijuana establishment registration certificate of the independent testing laboratory.*
11. 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 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?

*Sec 2 (c) – Cultivating, manufacturing, testing, transporting, and selling marijuana will be strictly controlled through state licensing and regulations*

*Section 2, subsection (g): Marijuana sold in the state will be tested and labeled*

*Section 3, subsection 15: “Marijuana testing facility” means an entity licensed to test marijuana and marijuana products, including for potency and contaminants*

*Sec 5 (f) – Requirements for the testing and labeling of marijuana and marijuana products sold by marijuana establishments including a numerical indication of potency based on the ration of THC to the weight of a product intended for oral consumption*

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

*Establishes practical guidelines for standardization of testing laboratories.*

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?

*Department of Taxation to adapt DPBH regulations and policy attached.*

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

*This recommendation does not add any additional cost to labs as it already is an existing program on the medical side.*