

James R. Wells, CPA
Director

Janet Murphy Deputy Director

STATE OF NEVADA GOVERNOR'S FINANCE OFFICE

Budget Division

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Date:

December 12, 2017

To:

James R. Wells, Clerk of the Board

Governor's Finance Office

From:

Melanie Young, Executive Branch Budget Officer

Budget Division

Subject:

BOARD OF EXAMINERS ACTION ITEM

The following describes an action item submitted for placement on the agenda of the next Board of Examiners' meeting.

DEPARTMENT OF TAXATION

Agenda Item Write-up:

Pursuant to NRS 353.268 the Department of Taxation requests an allocation of \$887,491 from the Interim Finance Contingency Account to fund the implementation of Initiative Petition 1 for the Regulation and Taxation of Marijuana Act.

Additional Information:

On November 8, 2016, Nevada voters approved the initiative to regulate and tax marijuana. This Interim Finance Contingency Account request will fund anticipated expenditures through June 30, 2107. Relates to work program C38527.

Statutory Authority:

NRS 353,268

REVIEWED: _____



DEONNE E. CONTINE

Executive Director

STATE OF NEVADA DEPARTMENT OF TAXATION

Web Site: http://tax.nv.gov

1550 College Parkway, Suite 115 Carson City, Nevada 89706-7937 Phone: (775) 684-2000 Fax: (775) 684-2020

LAS VEGAS OFFICE
Grant Sawyer Office Building, Suite1300
555 E. Washington Avenue
Las Vegas, Nevada 89101
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RENO OFFICE 4600 Kietzke Lane Building L, Suite 235 Reno, Nevada 89502 Phone: (775) 687-9999 Fax: (775) 688-1303

HENDERSON OFFICE 2550 Paseo Verde Parkway, Suite 180 Henderson, Nevada 89074 Phone: (702) 486-2300 Fax: (702) 486-3377

MEMORANDUM

Date:

December 7, 2016

To:

Melanie Young, Budget Analyst

Governors Finance Office

From:

Rick Gimlin, Administrative Services Officer

Subject: Interim Finance Committee Contingency Account Request

Taxation requests approval from the Board of Examiners to request \$887,491 from the Interim Finance Committee Contingency Account.

On November 8, 2016, Nevada voters approved the initiative to regulate and tax marijuana. From the overview provided on the Secretary of State's website, this initiative would require the Department of Taxation to regulate and administer the operation of facilities that cultivate, produce, and dispense marijuana products in the state. The Initiative additionally requires the Department to collect a 15 percent excise tax upon the wholesale value of marijuana sold by a marijuana cultivation facility in Nevada. The proceeds from the excise tax, less costs incurred by the Department of Taxation and counties, cities, and towns to carry out certain provisions of the Initiative, must be deposited in the State Distributive School Account.

Taxation will be responsible to license retail marijuana stores, marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana distributors, and marijuana testing facilities.

The Initiative also decriminalizes the personal use, possession, or cultivation of marijuana under certain circumstances and provides for criminal penalties related to the unlawful cultivation, consumption, manufacture, or distribution of marijuana.

The initiative becomes effective on January 1, 2017. Taxation estimates four positions, starting February 1, and related expenses, are needed to begin implementation. The initiative will also require ongoing funding in the 2017 – 2019 biennium.

Please contact me if you have any questions.

State of Nevada Work Program

			V	/P Numbe	er: C38527			FY 201
	Add Original \	Work Program		XXX	lodify Work Program	DATE_	T DIVISION USE ONLY	,
DATE	FUND	AGENCY	BUDGET D	EDT/DIV/PIII	DGET NAME		VERNOR BY	
11/23/16	101	130			T OF TAXATION			
Budgetary GLs (2501 - 2599)	Description		WP Amount	Revenue GLs (3000 - 4999)	s Available Description	WP Amount	Current Authority	Revised Authority
				4654	TRANS FROM IFC	887,491	0	887,49
Sub	total Budgetary (General Ledgers	·		al Revenue General Ledgers(RB) tary & Revenue GLs	887,491		887,491
CAT	Expe Amount	nditures	Amount	7	Remarks			
)1	131,212		- Tunounc	1	This request will add	d resources nes	eded for Toyatia	m to i
)3	7,726]	Question 2, Initiative	e to Regulate ar	nd Tax Marijuan	n to implement a.
)4	133,477				8.6			
)5	19,360			4				
26	595,716		 	-				
		<u> </u>		1				
				-				
			ļ	4				
Note Tested On		L		_				
Sub Total Ca Expenditures	tegory		887,49	<u>1</u>				
otal Budge	tary General Led	gers and		7				
ategory Ēx	penditures (AP)		887,49	1		rgimlin		_
					Auth	orized Signatur	е	
						12/07/16		
						Date		_

Requires Interim Finance approval since IFC Contingency Fund Allocation request

3

Controller's Office Approval

State of Nevada **Work Program Packet Checklist**

✓	work program form		
✓	Work program packet checklist		
✓	Cumulative modification worksheet		
✓	Cover Page detailing the reasons for the revision, bene if not approved	efits	to the division, department and state and consequences
✓	Financial/Budget Status Reports (current)		
✓	Budget projections with corresponding detail		
✓	Fund map reflecting amounts before and after the revis	sion	
✓	NPD 19 (If requesting new position) include copy of c		ent organizational chart w/proposed change
	Quotes for the purchase of unbudgeted items (i.e., equ	ipm	ent. computers. etc.)
✓	Spreadsheets/detailed calculations supporting request		
	WORK PROGRAM REVISIONS INVOLVING GRANTS	S M	UST ALSO INCLUDE
	Grant history/reconciliation form for grants		
	Copies of all grant awards for the current year listed on	the	grant reconciliation form
	Copy of grant budget - if applicable		
	Summary of the grant program and purpose if not inclu	ded	in the grant award document
IFO	determination evaluation (reason work program do	es d	or does not require IFC approval indicated with an X
	Requires IFC approval because		
	\$75,000 or more cumulative for an expenditure category		Exceeds \$30,000 cumulative and is 10% or more cumulative for an expenditure category
	Involves the allocation of block grant funds and the agency is choosing to use the IFC meeting for the required public hearing per NRS 353.337		Non-governmental grant or gift in excess of \$20,000
✓	Includes new positions	✓	Other: IFC Contingency Fund Allocation request
	Does not require IFC approval because		
	\$30,000 or less cumulative for each expenditure category		Places funds in Reserves, Reserve for Reversion, or Retained Earnings categories only
	Less than \$75,000 cumulative and 10% cumulative for each expenditure category		Non-executive budget
	\$5,000 or less for expenditure categories 02, 03, 05, & 30 and \$10,000 or less for any other expenditure categories		Other:
	Implements general/highway fund salary adjustments approved by the BOE		proved by: te:

STATE OF NEVADA DEPARTMENT OF TAXATION

Budget Account 2361 - DEPARTMENT OF TAXATION Work Program C38527 Fiscal Year 2017

Submitted December 7, 2016

Budget Account's Primary Purpose, Function and Statutory Authority

The Department of Taxation is responsible for providing fair, efficient, and effective administration of the tax programs of the State of Nevada in accordance with applicable statutes, regulations and policies, and serves the taxpayers, and state and local government entities. The department administers and collects taxes for distribution to the state General Fund, other state agencies, and to local government entities. The department collects and distributes all sales and use taxes, the modified business tax, the estate tax, the net proceeds of mines tax, and the property tax on interstate and inter-county companies. It also collects excise taxes and fees on liquor, cigarettes, other tobacco products, tire tax, short-term lessor fee, live entertainment tax, bank excise tax, lodging tax, the insurance premium tax, and distributes the real property transfer tax received from county recorder collections to the state general fund and local governments.

In addition, the department is responsible for appraising property of an interstate or inter-county nature as well as mining property. It also establishes guidelines for county assessors, recorders, and treasurers; monitors appraisal and assessment performance through ratio studies and performance appraisals of county officials; and ensures statewide compliance with assessment standards established by the Tax Commission. The department reviews local government budgets and audits, prepares the ad valorem tax rates for certification, and advises local governments on budget act compliance and financial management matters. Additionally, the department provides annual population estimates for the state, its counties and incorporated cities.

Statutory Authority: NRS 354, 360, 361, 361A, 361B, 362, 363A.120, 363A&B, 364.125, 364A, 368A, 369, 370, 370A, 372, 372A, 374A, 375A&B, 376A, 377, 377A&B, 387.332, 444A.090, 482.313, 585.497, 680B.

Purpose of Work Program

This request will add resources needed for Taxation to implement Question 2, Initiative to Regulate and Tax Marijuana.

Justification

Voters passed Question 2, Initiative to Regulate and Tax Marijuana (also known as the Regulation and Taxation of Marijuana Act, or "the Act") on November 8. The Act is effective on January 1, 2017 and requires Taxation to administer requirements of the Act. This includes, but is not limited to:
* Adoption of regulations, not later than December 31, 2017

Issuance, renewal, suspension and revocation of licenses to marijuana retailers, cultivators, product manufacturing facilities, testing facilities, and distributers

Determining qualifications for licensure, security, packaging, labeling, and testing of marijuana

Oversight and enforcement of marijuana businesses and licensees (including record keeping, signage, marketing, display, advertising, and other requirements within the regulations)

Collection of taxes, fees, and penalties

Taxation estimates for the period of January 1, 2017 - June 30, 2017, 4 additional staff and related operational needs will be required to administer the Act.

This work program adds One - Administrative Assistant 2 (2.212), One Tax Examiner 2 (7.255), One Deputy Director (U4300) and one Chief Investigator Compliance/Audit (11.360). Each of these positions are anticipated to start February 1st.

Expected Benefits to be Realized

Taxation will be able to meet the requirements of the Act. This includes adopting regulations, developing tax return forms, programming the Unified Tax System for the new tax type, developing infrastructure for licensing, recordkeeping, and inspections, and other responsibilities that accompany the Act.

Explanation of Projections and Documentation

Line item budget and position detail, a copy of the Regulation and Taxation of Marijuana Act, and fund map are attached.

New Positions: Yes

Summary of Alternatives and Why Current Proposal is Preferred

Other than to not comply with the Act, there really is no other alternative. The current proposal is preferred, as it will allow Taxation to comply with the requirements of the Act.

STATE OF NEVADA WORK PROGRAM DEPARTMENT OF TAXATION DEPARTMENT OF TAXATION B/A 2361 SFY17

			APPROVED	PENDING				
	DEVENTING	Original or Legislatively	FIRST	SECOND	CUMULATI	VE		
	REVENUES	Approved Work Program	Work Program Change	Work Program Change	Dollar Change	Percent Change	Total Amoun	
G.L.#	Description		WP # C36262	WP # C38527				
2501	APPROPRIATION CONTROL	28,531,109			0	0.0%	28,531,10	
2511	BALANCE FORWARD FROM PREVIOUS YEAR	0	3,854,063		3,854,063	100.0%	3,854,06	
3729	AUDIT FEES	34,527			0	0.0%	34,52	
3750	ADMIN FEE CIGARETTE TAX	425,036			0	0.0%	425,03	
3751	ADMIN FEE SHORT TERM AUTO LEASE	10,185			0	0.0%	10,18	
3755	BAD CHECK CHARGES	41,339			0	0.0%	41,33	
3765	JUSTICE COURT FEES	108,691			0	0.0%	108,69	
4254	MISCELLANEOUS REVENUE	30,794	}		0	0.0%	30,79	
4355	REIMBURSEMENT OF EXPENSES	7,436			0	0.0%	7,43	
4654	TRANS FROM IFC	0		887,491	887,491	100.0%	887,49	
4673	TRANS FROM ENVIRON PROTECT	8,695			0	0.0%	8,69	
4683	TOBACCO SETTLEMENT INCOME	246,817			0	0.0%	246,8	
	Total Revenues	29,444,629	3,854,063	887,491	4,741,554	16.1%	34,186,1	
	EXPENDITURES							
Cat	Description							
01	PERSONNEL	23,711,523	2,045,072	131,212	2,176,284	9.2%	25,887,80	
02	OUT-OF-STATE TRAVEL	8,054			0	0.0%	8,0	
03	IN-STATE TRAVEL	155,642	11,248	7,726	18,974	12.2%	174,6	
04	OPERATING EXPENSES	2,405,325	349,020	133,477	482,497	20.1%	2,887,8	
05	EQUIPMENT	15,900	126,899	19,360	146,259	919.9%	162,1	
09	COMPLIANCE AUDIT INVESTIGATIONS	5,595			0	0.0%	5,5	
10	OUT-OF-STATE AUDIT	47,398			0	0.0%	47,3	
11	MSA TRAVEL AND OPERATING	33,697			0	0.0%	33,69	
12	E-PAYMENT FEES	15,253			0	0.0%	15,2	
15	LOCKBOX SERVICES	985,174			0	0.0%	985,1	
17	MINING OVERSIGHT AND ACCOUNTABILITY COM	3,789			0	0.0%	3,7	
21	DEMOGRAPHIC SURVEYS	42,742			0	0.0%	42,7	
25	CIGARETTE STAMPS	170,615			0	0.0%	170,6	
26	INFORMATION SERVICES	1,640,522	970,285	595,716	1,566,001	95.5%	3,206,5	
30	TRAINING	16,430	1,817		1,817	11.1%	18,2	
31	COUNTY ASSESSOR/APPRAISER TR	7,436			0	0.0%	7,4	
82	DHRM COST ALLOCATION	171,917			0	0.0%	171,9	
86	RESERVE	0	349,722		349,722	100.0%	349,7	
87	PURCHASING ASSESSMENT	7,617			0	0.0%	7,6	
	Total Expenditures	29,444,629	3,854,063	887,491	4,741,554	16.1%	34,186,1	

STATE OF NEVADA Office of the State Controller

Summary Budget Status Report

Fiscal Year: 2017

Fund: 101 GENERAL FUND

Agency: 130 DEPARTMENT OF

TAXATION

Budget 2361 DEPARTMENT OF **Account:** TAXATION

 $\begin{array}{c} \textbf{Organization:} \\ \textbf{Omposition:} \end{array} \\ \begin{array}{c} \text{DEPARTMENT OF} \\ \text{TAXATION} \end{array}$

	YTD Actual	Work Program	Difference
Total Receipts/Funding	32,523,384.27	33,298,692.00	-775,307.73
Total Expenditures	9,933,560.79		
Total Encumbrances	147,614.39		
Total Pre-encumbrances	.00		
Total Obligations	10,081,175.18	33,298,692.00	23,217,516.82
Realized Funding Available	22,442,209.09	A CONTRACTOR OF THE CONTRACTOR	

STATE OF NEVADA Office of the State Controller

Budget Status Report - Receipts/Funding

Fiscal Year: 2017

DEPARTMENT OF Fund: 101 GENERAL FUND Agency: 130

TAXATION

Budget 2361 DEPARTMENT OF TAXATION $\begin{array}{ll} \textbf{Organization:} \ 0000 \ \frac{DEPARTMENT \ OF}{TAXATION} \end{array}$

	YTD	Actual	Work Program	Difference
Total Receipts/Funding	32,523	,384.27	33,298,692.00	-775,307.73

Code	Description	YTD Actual	Work Program	Difference
<u>42</u>	APPROPRIATIONS	28,531,109.00	28,531,109.00	.00
<u>47</u>	BEGINNING CASH	3,854,063.00	3,854,063.00	.00
3729	AUDIT FEES	9,134.55	34,527.00	-25,392.45
<u>3750</u>	ADMIN FEE CIGARETTE TAX	106,258.97	425,036.00	-318,777.03
3751	ADMIN FEE -SHRT TRM AUTO LEASE	.00	10,185.00	-10,185.00
<u>3755</u>	ADMIN FEE BAD CHECK CHARGES	.00	41,339.00	-41,339.00
3765	JUSTICE COURT FEES	21,971.50	108,691.00	-86,719.50
<u>4254</u>	MISCELLANEOUS REVENUE	847.25	30,794.00	-29,946.75
4355	STUDENT FEES REIMBURSEMENT	.00	7,436.00	-7,436.00
<u>4673</u>	TRANS FROM ENVIRON PROTECT	.00	8,695.00	-8,695.00
4683	TRANS FROM TOBACCO	.00	246,817.00	-246,817.00

STATE OF NEVADA Office of the State Controller

Budget Status Report - Obligations

Fiscal Year: 2017

Fund: 101 GENERAL FUND

Agency: 130 DEPARTMENT OF TAXATION

Budget 2361 DEPARTMENT OF TAXATION

 $\begin{array}{ll} \textbf{Organization:} \ 0000 \ \frac{\text{DEPARTMENT OF}}{\text{TAXATION}} \end{array}$

	YTD Actual	Work Program	Difference
Total Expenditures	P		
Total Encumbrances	147,614.39		100 mm
Total Pre-encumbrances	.00		
Total Obligations	10,081,175.18	33,298,692.00	23,217,516.82

Catego ry	Description	Expended	Encumber ed	Pre- encumber ed	Obligated	Work Program	Difference
01	PERSONNEL SERVICES	7,803,626. 62	.00	.00	7,803,626. 62	25,756,595 .00	17,952,968 .38
02	OUT OF STATE TRAVEL	5,830.52	.00	.00	5,830.52	8,054.00	2,223.48
03	IN STATE TRAVEL	61,858.57	.00	.00	61,858.57	166,890.00	105,031.43
04	OPERATING	1,047,846. 20	.00	.00	1,047,846. 20	2,754,345. 00	1,706,498. 80
<u>05</u>	EQUIPMENT	236.28	22,043.75	.00	22,280.03	142,799.00	120,518.97
09	COMPLIANCE AUDIT INVESTIGATION	2,152.41	.00	.00	2,152.41	5,595.00	3,442.59
10	OUT OF STATE AUDIT	6,681.05	.00	.00	6,681.05	47,398.00	40,716.95
11	MASTER SETTLEMENT AGREEMENT	6,942.29	.00	.00	6,942.29	33,697.00	26,754.71
<u>12</u>	E PAYMENT FEES	.00	.00	.00	.00	15,253.00	15,253.00
	LOCKBOX 139,524.: PROGRAM		.00	.00	139,524.5	985,174.00	845,649.49
<u>17</u>	MINING OVRSGHT & ACCNTBLTY COM	.00	.00.	.00	.00	3,789.00	3,789.00

21	DEMOGRAPHIC SURVEY'S	24,276.30	.00	.00	24,276.30	42,742.00	18,465.70
25	CIGARETTE STAMPS	65,725.15	92,024.85	.00	157,750.0 0	170,615.00	12,865.00
<u>26</u>	INFORMATION SERVICES	680,748.1 4	33,545.79	.00	714,293.9	2,610,807. 00	1,896,513. 07
<u>30</u>	TRAINING	250.00	.00	.00	250.00	18,247.00	17,997.00
31	COUNTY ASSESSOR/APPRA ISER TR	.00	.00	.00	.00	7,436.00	7,436.00
<u>82</u>	HR COST ALLOCATION	85,958.50	.00	.00	85,958.50	171,917.00	85,958.50
<u>86</u>	RESERVE	.00	.00	.00	.00	349,722.00	349,722.00
<u>87</u>	PURCHASING ASSESSMENT	1,904.25	.00	.00	1,904.25	7,617.00	5,712.75

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		L			Per I	Diem				Lo	dgin	g		
Days	Ite	m [Bre	eakfast	 unch	1	Olnner	Inc	identals	Base		Tax		Total
Monday		1 [\$ 16.00	\$	28.00	\$	5.00	\$ 93.00	\$	13.02	Ś	156
Tuesday		2	\$	15.00	\$ 16.00	\$	28.00	\$	5.00		Ś	-	Ś	64
Wednesday		3									Ś		Ś	-
Thursday		4								- 1	\$	-	Ś	
Friday		5 [\$ -	\$		Ś	
		6	\$	-	\$ -	\$	-	\$	-	\$ -	\$	-	Ś	-
				\$15.00	\$32.00		\$56.00		\$10.00	 \$93.00		\$13.02	Ś	220
	Total				\$11	3.00				\$1	06.0	2	\$	220

Per Diem

#Trips 5.00
Per Trip Rate \$ 113.00

Total Per Diem: \$ 565.00

Lodging

Trips 5.00
Per Trip Rate \$ 106.02
Total Lodging: \$ 531.00

Total Per Diem/Lodging: \$ 1,096.00

Personal Vehicle

Mileage 300.00 Estimate 60 miles round trip from workstation to airport, times 5trips

Per Mile Rate \$ 0.575

Total Personal Vehicle: \$ 173.00

Parking

Days 10.00 Estimate 2 days per trip, times 5 trips
Per Day Rate \$ 10.00 Reno/McCarran, surface parking

Total Parking: \$ 100.00

Fleet Services

Days 10.00 Estimate 2 days per trip, times 5 trips

Per Day Rate \$ 28.50 Compact car

Total Fleet Services Rental: \$ 285.00

Miles 200.00 Estimate 20 miles per day, times 2 days per trip, times 5 trips

Per Mile Rate \$ 0.17 Compact car

Total Fleet Services Miles: \$ 34.00

Total Fleet Services: \$ 319.00

Airfare

Number of trips 5.00

Ticket cost \$ 435.00 Round trip ticket, Reno/LV/Reno, April 2016, times 6 trips

Total Airfare: \$ 2,175.00

	Cost Estim	ate Summary	
Air Fare (6150/6250):	\$2,175.00	Registration (7300):	\$-
Ground (6140/6240):	173.00	Per Diem (6100/6200):	565.00
Parking/Tolls (6140/6240):	100.00	Lodging (6100/6200):	531.00
Fleet Services (6110/6210):	319.00	Other:	
Subtotal:	\$2,767.00	Subtotal:	\$1,096.00
		Total	\$ 3,863.00

State of Nevada - Budget Division Payroll/Position Detail 2015-2017 Biennium (FY16-17) RMJ IP1 RECREATIONAL MARIJUANA Mode: summary

Section A: Position Detail

Potal EV17	49.745	18.291	21.584	39,795	129,415
nafite FY17	11.636	7,332	8.184	12,905	40,057
arv FY17 Be	7 6-2017 1.00 38.109 11.636 49.745	10,959	13.400	26,890	89,358
TE FY17 Sa	1.00	1.00	1.00	1.00	4.00
End Date	6-2017	6-2017	6-2017	6-2017	Totals
v Mo St Date	2-2017	2-2017	2-2017	2-2017	
Gd-Add An	0 2	0 2	0 2	0 2	
de Gd-Step	66-66	25-1	30-1	37-10	
CN# Class Co	003113 U4300	003103 02212	003108 07255	003114 11360	
	RECTOR, TAXATION (EA)	Т2		LV LAS VEGAS CHIEF INVEST COMPLI/AUDIT 00	
it Pos Group	2361 E127 CAR CARSON DEPUTY DI	LV LAS VEGAS	LV LAS VEGAS	LV LAS VEGAS	
BA # Dec Uni	2361 E127	2361 E127	2361 E127	2361 E127	

State of Nevada - Budget Division Line Item Detail & Summary 2015-2017 Biennium (FY16-17)

NEBS210

Section A1: Line Item Detail by GL
Budget Account: 2361 DEPARTMENT OF TAXATION

Budget /	Budget Account: 2361 DEPARTMENT OF TAXATION				200
Item No	Description	Actual Work Program 2013-2014	rk Program	Year 1	Year 2
E127	SUSTAINABLE AND GROWING ECONOMY Initiative to Regulate and Tax Marijuana (IP1), fiscal vear 2017 costs.			01075107	1107-0107
EXPENDITURE	TURE				
01	PERSONNEL				
5100	SALARIES	c	c	c	06 533
	4 positions, start date 2/2017:	Þ	>	5	90,033
	PCN LOCATION POSITION TITLE				
	003103 LAS VEGAS ADMIN ASSISTANT 2				
	003108 LAS VEGAS TAX EXAMINER 2				
	003113 CARSON ADMINISTRATOR (DEPUTY DIRECTOR) 003114 I AS VEGAS CHIFF INVESTIGATOR COMPLIANCE/ALIDIT				
5200	WORKERS COMPENSATION	c	c	c	000
5300	DETIDEMENT	o 6	> 0	o (2,230
3300	NETINEMENT DEDOCOMINE ASSESSMENT	o ()	O (13,997
3400	TENOCUMEN I	o	0	0	086
0066	GROUP INSURANCE	0	0	0	13,984
2200	PAYROLL ASSESSMENT	0	0	0	134
5750	RETIRED EMPLOYEES GROUP INSURANCE	0	0	0	2,278
2800	UNEMPLOYMENT COMPENSATION	0	0	0	89
5840	MEDICARE	0	0	0	1,400
	TOTAL FOR CATEGORY 01	0	0	0	131,212
2	N.STATE TRAVE				
6200	DED DIEM IN STATE	c	c	C	7 7 26
050	ren blew involvable. Fren blew involvable Fren blew day trip per month to either Reno or Las Vegas. \$3.863 per person times 2 people = \$7.726.	>	Þ	>	27.
	TOTAL FOR CATEGORY 03	0	0	0	7,726
8	OPERATING EXPENSES				
7020	OPERATING SUPPLIES	0	0	0	160
	Expendable operating supplies for four staff. In fiscal year 2016, budget account 2361 expended \$35,236 for operating supplies for 365 positions. Average cost is \$96 per position per year, or \$8 per month.				
	4 positions times 5 months times \$8 per month = \$160.				
7050	EMPLOYEE BOND INSURANCE	0	0	0	4
7054	AG TORT CLAIM ASSESSMENT	0	0	0	463
705A	NON B&G - PROP. & CONT. INSURANCE	0	0	0	16
7061	CONTRACTS - A Project Management Services for Task Force Recommendations	0	0	0	110,000
7062	CONTRACTS - B	0	0	0	4,400
	Install power, data and phone lines; Carson and Las Vegas				
7110	NON-STATE OWNED OFFICE RENT Room 4100 in the Grant Sawyer building. 3,224 sq. ft., anticipate additional staff in the 2017 - 2019 biennium.	0	0	0	16,056
អ្ក 14	B & G LEASE ASSESSMENT Page 1 of 2	0	0	0	322
	1				

State of Nevada - Budget Division Line Item Detail & Summary 2015-2017 Biennium (FY16-17)

NEBS210

item No) Description	Actual W 2013-2014	Actual Work Program 2013-2014 2014-2015	RMJ Year 1 2015-2016	RMJ Year 2 2016-2017
7290	PHONE, FAX, COMMUNICATION LINE Smart phone charges for 2 positions, \$62 per month times 5 months times 2 positions = \$620	0	0	0	620
7292		c	c	c	1
7295	EITS STATE PHONE LINE	· c	0	> 0	70
7533	EITS EMAIL SERVICE		0	o (CS
7545	SELTS VPN SECURE LINK	0 (0 (D	9/
7980	OPERATING FASE PAYMENTS	o 0	0 (0 (52
	TOTAL FOR CATEGORY 04			٥	1,103
		>	0	0	133,477
02	EQUIPMENT				
7460	EQUIPMENT PURCHASES < \$1,000	0	0	C	500
	Telephones	•	•	•	8
8241	NEW FURNISHINGS <\$5,000 - A	0	0	0	18.860
	TOTAL FOR CATEGORY 05	0	0	0	19,360
26	INFORMATION SERVICES				
2000	CONTRACTS	0	0	0	585.875
	Master Services Agreement programming services for new tax type				
7554	EITS INFRASTRUCTURE ASSESSMENT	0	0	0	619
7556	EITS SECURITY ASSESSMENT	0	0	0	426
7771	COMPUTER SOFTWARE <\$5,000 - A	0	0	0	2,334
8371	COMPUTER HARDWARE <\$5,000 - A	0	0	0	6,462
	TOTAL FOR CATEGORY 26	0	0	0	595,716
	TOTAL EXPENDITURES FOR DECISION UNIT E127	0	0	0	887,491
	TOTAL REVENUES FOR BUDGET ACCOUNT 2361	0	0	0	0
	TOTAL EXPENDITURES FOR BUDGET ACCOUNT 2361	0	0	0	887,491

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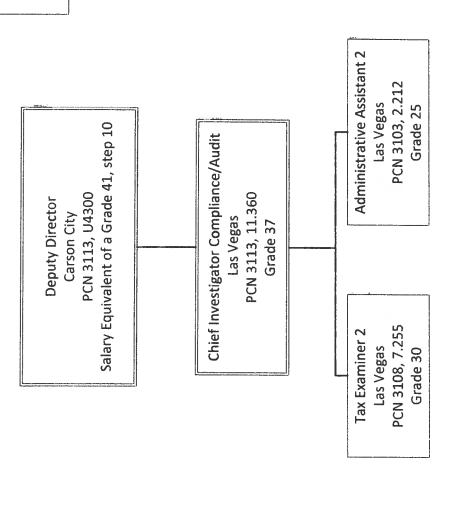
Budget 2361

Department of Taxation

	Legislative Approved	2501 Appropriation	2511 Balance Forward from Prior	3729 Audit	3750 Admin Fee,		<u>~</u>	3765 Justice		-		4683 Tobacco Settlement		Approved Work	Total with Approved Work	Pending	Total with Approved & Pending Work
Revenue:	(And Andreas	C C	100		charette las	Auto Lease	charges	Court rees	enueveu	Expenses	EPA	псотв	Total	Programs	Programs	C38527	Programs
2501 Appropriations Control	\$ 28,531,109	28,531,109	•									•	\$ 28,531,109	0	\$ 28,531,109		\$ 28.531.109
2720 Audit Coc	. 202.70		0	100									•	3,854,063	3,854,063		3,854,063
3750 Admin Fee Cineratte Tex	34,327			34,527	200								34,527	0	34,527		34,527
3751 Admin Fee Short Term Auto Lease					425,036	107 40							425,036	0	425,036		425,036
3755 Bod Check Chames						10,165							10,185	0	10,185		10,185
	402 904						41,339						41,339	0	41,339		41,339
A254 Missellandin Decemb	100,001							108,691					108,691	0	108,691		108,691
4355 Reimburement	7.436								30,794	!			30,794	0	30,794		30,794
4654 IFC Continuency Albertion	200									7,436			7,436	0	7,436		7,436
4673 Transfer from State EPA	8.695										200		, ,	0 (' !	887,491	887,491
4683 Tobacco Settlement Income	246,817										Ceo'o	246,817	246,817	90	8,695		8,695 246,817
Total Revenue	\$ 29,444,629 \$ 28,531,109			\$ 34,527	\$ 425,036	\$ 10,185	\$ 41.339	\$ 108.691	\$ 30.794	\$ 7.436	\$ 8.695	2 246 847 \$	20 444 620	t 2854 063	1	007 700	207 907 70
;						•							200	2001	33,420,034	1	4 34, 100, 103
8					,												
UI Personnel Services	\$ 23,711,523	21,012,310	2,106,096		254,421	10,185	41,339	65,949			8,695	212,528 \$	\$ 23,711,523		\$ 25,756,595	131,212	\$ 25,887,807
	9000	8,054	040										8,054	1,249	9,303		9,303
	250,00T	97/761	2,976										155,642	11,248	166,890	7,726	174,616
Of Chairman	2,405,325	1,956,186	418,345						30,794				2,405,325	349,020	2,754,345	133,477	2,887,822
	2,500	(04,020) F FDF	19,920										15,900	126,899	142,799	19,360	162,159
	47 308	12 874		24 507									5,595	0 (5,595		5,595
	23 697	(502)		7,0								000	47,396	0	47,398		47,398
	14,253	15.253										34,289	33,097	0 0	33,697		33,697
	985.174	985.174											985 174	(1 240)	15,233		15,253
	3,789	3,789									90		3.789	(642,1)	3 780		2 780
	42,742	0						42.742					42.742	0	42.742		42.742
_	170,615	0			170.615			•					170 615		170 R15		170 R15
	1.640,522	1541464	99.058										1 640 522	970 285	2 610 807	505 716	2 206 523
	16.430	16.430											16,430	1.817	18.247		18.247
31 County Assessor / Appraiser	7,436	0								7,436			7,436	0	7.436		7.436
	171.917	171.917											171.917	C	171 917		171 917
	•	C											. '	349 722	349.722		349.722
	7.617	7.617											7.817	0	7.817		7.617
	100	2,												,			201
Total Expenditures	\$ 29,444,629 \$ 25,824,774 \$ 2,706,335 \$ 34,527	25,824,774	\$ 2,706,335 \$	\$ 34,527 \$	\$ 425,036 \$	10,185	\$ 41,339	41,339 \$ 108,691	\$ 30,794 \$	7,436 \$	8,695	\$ 246,817 \$ 29,444,629	29,444,629 \$	\$ 3,854,063 \$ 33,298,692	33,298,692 \$	887,491	\$ 34,186,183
Revenue less Expenditures	\$	\$ 2,706,335	2,706,335 \$ (2,706,335) \$	*	*		\$	\$	\$		*	\$	\$	\$	\$.		
Check figures		28,531,109	2,706,335	34,527	425,036	10,185	41,339	108,691	30,794	7,436	8,695	246,817	32, 150,964				
:																	
Notes:																	

101

12/7/2016



Retail Marijuana FY17, February 2017

State of Nevada - Budget Division Payroll/Position Detail

NEBS130

2015-2017 Biennium (FY16-17) RMJ IP1 RECREATIONAL MARIJUANA

Section C: Position Cost Details Budget Account: 2361 DEPARTMENT OF TAXATION

Type Description	PCN	Class	FTE Actual	FTE	FTE Y1/Y2	Salary Y1 / Y2	Ret.	Grp. Ins	Worker's Comp	Pers Assmt	Umemp.	Pyri	Ret Gro Medicare		Benefits
E127 SUSTAINABLE AND GROWING ECONOMY															
CAR CARSON															
4 DEPUTY DIRECTOR, TAXATION (EA)	003113	003113 U4300	00.00	0.00	0.00	0	0	0	0	0	0	0	0	0	0
					1.00	38,109	5,526	3,496	853	229	27	53	899	553	11 636
TOTAL FOR LINE ITEM POSITION GROUP CAR	CAR		00.0	0.00	1.00	38,109									11,636
LV LAS VEGAS															
4 ADMIN ASSISTANT 2	003103 02212	02212	0.00	0.00	0.00	0	0	0	0	0	0	0	0	0	0
					1.00	12,493	1,811	3,496	296	75	6	17	295	181	6,180
4 TAX EXAMINER 2	003108 07255	07255	0.00	0.00	00.00	0	0	0	0	0	0	0	0	0	0
					1.00	15,276	2,215	3,496	362	92	Ξ	2	361	222	6,780
4 CHIEF INVEST COMPLI/AUDIT	003114 11360	11360	0.00	0.00	0.00	0	0	0	0	0	0	0	0	0	0
					1.00	30,655	4,445	3,496	727	184	21	43	723	444	10,083
TOTAL FOR LINE ITEM POSITION GROUP LV	۸-		0.00	0.00	3.00	58,424									23,043
TOTAL FOR DECISION UNIT E127			0.00	0.00	4.00	96,533									34,679
TOTAL FOR BUDGET ACCOUNT 2361			0.00	0.00	4.00	96,533									34,679

State of Nevada - Budget Division Statewide View of BAV Schedules 2015-2017 Biennium (FY16-17) RMJ IP1 RECREATIONAL MARIJUANA

Budget Account:	count: 2361 DEPARTMENT OF TAXATION				
Catg	GL Acct Vendor Name	Actual	Wrk Pgm	Year 1	Year 2
	Reno, 2 positions \$1,800			Ami	Amt
	Carson, 4 positions, \$3,500				
92	7060 MSA confractor services	0	c	c	K7A R7A
Total for t	Total for Decision Unit: E126	0	0	0	720,974
E127	SUSTAINABLE AND GROWING ECONOMY				
04	7061 Project Management Services for Task Force Recommendations Estimate costs for MSA QUANTUMMARK, based on discussion with the Division of Health	0	0	0	110,000
8	7062 Install power, data and phone lines; Carson, Las Vegas & Reno Estimating \$550 per installation of data and phone, and \$550 for power. Total of \$1,100 per position. Estimate for data/phone is based on rounding up costs for recent Accounting, Call Center & Processing installations. Using the same estimate for installation of power.	0	0	o	4,400
	Carson, 1 position, \$1,100 Las Vegas, 3 positions, \$3,300				
\$	7980 Xerox or similar, multifunction device lease payments Multifunction device for proposed Grant Sawyer office. Using rate from machine XKP546450 in the Carson Office, the lease cost is \$220.45 per month, times five months.	0	0	0	1.103
56	7060 MSA contractor services Programming for new tax type.	0	0	0	585,875
	TAS Registration and Returns filing: 4,390 hours @\$100 per hour. Health and Human Resources Integration: 1,000 hours times \$100 per hour. Revenue Solutions, Inc., modify Tax Master for new tax type:, 313 hours times \$150 per hour.				
Total for D	Total for Decision Unit: E127	O	0	0	701.378
Total for B	Total for Budget Account: 2361	2,361,625	2.547,442	2,052,893	3,455,297

NEBS990

2015-2017 Biennium (FY16-17) RMJ IP1 RECREATIONAL MARIJUANA

Budget Account:	ccount: 2361 DEPARTMENT OF TAXATION								
	ਰ				,		;		
Catg	Acct Unit of Measure	IT Service	Ouantity	Tear 1 Organitiv	Year 1	Amount	Year 2	Year 2	•
E127	SUSTAINABLE AND GROWING ECONOMY				2001	TINOUIL	Gualitity	Rate	Amount
8	7292 VOICEMAIL (FY18-19 REV COST POOL)	PER ACCOUNT PER MONTH	C	c	3,56	C	ç	2 63	Ş
8	7295 STATE PHONE LINE (FY18-19 REV COST POOL)	PER LINE PER MONTH	0	0	13.40	0	3 6	13.48	135
	2 positions: Admin Asst 2, Tax Examiner								
8	7533 EMAIL SERVICE	PER ACCOUNT PER MONTH	0	С	3.48	c	8	6	40
8	7545 VPN SECURE LINK (FY18-19 REV COST POOL)	PER CONNECTION PER MONTH	0	0	9.73	0	3 &	3.82 10.32	52
	Tax Manager								
Total for D	Total for Decision Unit: E127		0			c			333
Total for B	Total for Budget Account: 2361		3,827,483,8 58			322,784			331,444

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2015-2017 Biennium (FY16-17) RMJ IP1 RECREATIONAL MARIJUANA State of Nevada - Budget Division Statewide View of BAV Schedules

NEBS990

Lease periods are December 1 throug 2015 - 2017 biennium. 1550 COLLEGE PKWY CARSON CITY Total space is 35,862 sq. ft. The Cars per position. Multiplied 3 positions relaces periods are November 1, 2013 November 1, 2015 - October 31, 2016 1550 COLLEGE PKWY CARSON CITY TYPI S SUTRO CARSON CITY Storage in Carson City for contraband for Decision Unit: 8000 SUSTAINABLE AND GROWING ECON 1550 COLLEGE PKWY CARSON CITY Tax Manager: 100 sq ft Program Officer 3: 90 Tax Examiner 2: 45 Tax Examiner 2: 45 Revenue Officer 1: 90 4600 KIETZKE LANE L- RENO									
1550 179' 179' 1550 1550 1550	y Type of 85 Space	Year1 Sq. Ft #Mo	Year1	Year1 Rent	Year1	Year2	Year2	Year2	Year2
1556 1779 1779 1779 1779 1779 1779 1779 177	e lease ends on Noven	nber 30, 2015. Using	the last monthly ra	ite for the			#Lale	Year	Pac Ins
1556 179' TER S S S 1556 1556	r OFFICE	567 4	1.35	3,062	61	0	1.35	0	0
1756 1779 For Decision 1556 1556	full time equivalent po ment (MSA) agreemen 35 per sq ft; November	stions, which coincid I times 189 sq. ft. to a 1, 2014 - October 31	entally works out I irrive at 567 sq. ft. , 2015, \$1.35 per	o 189 sq. ft. sq ff, and					
179 TEF 1551	/ OFFICE	567 8	1.38	6,260	က	12	1.38	6,390	*
155 155 1600	STORAGE	1 12	79.00	948	0	12	79.00	948	0
SUSTAINABLE AND GROWING ECONOMY 1550 COLLEGE PKWY CARSON 1994 CITY JOHNSTON Tax Manager: 100 sq ft Program Officer 3: 90 Tax Examiner 2: 45 Tax Examiner 2: 45 Revenue Officer 1: 90 4600 KIETZKE LANE L- RENO DESIDERIO	wed annually, August	mostic increasions and production of transfer and consequences.	6	958,734	634			970,169	834
1550 COLLEGE PKWY CARSON 1994 CITY JOHNSTON FAMILY TRUST Tax Manager: 100 sq ft Program Officer 3: 90 Tax Examiner 2: 45 Tax Examiner 2: 45 Revenue Officer 1: 90 4600 KIETZKE LANE L- RENO DESIDERIO									
Tax Manager: 100 sq ft Program Officer 3: 90 Tax Examiner 2: 45 Tax Examiner 2: 45 Revenue Officer 1: 90 4600 KIETZKE LANE L- RENO DESIDERIO	OFFICE	370 0	0.00	0	0	ယ	1.38	3,064	ଅ
4600 KIETZKE LANE L- RENO DESIDERIO									
235 PROPERTIES 2 positions @ 90 sq ft each	OFFICE	180 0	0.00	0	0	5 0	1.30	1,404	Ann
Total for Decision Unit: E126				0	0			4.468	3

Room 4100 in Grant Sawyer: 3,224 sq. ft.
Rent per sq. ft. is based on the B&G rent schedule.
While this space is larger than needed for 3 staff, additional staff for the retail marijuana program are expected to be added in the 2017 - 2019 biennium.

Admin Assistant 2, Tax Examiner 2, Chief Investigator, Audit/Compliance,

Total for Budget Account: 2361 Total for Decision Unit: E127

Page 15 of 15

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OFFICE

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1994 JOHNSTON FAMILY TRUST

SUSTAINABLE AND GROWING ECONOMY

E127

1550 COLLEGE PKWY CARSON CITY

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3,224

OFFICE

GRANT SAWYER, RM LAS VEGAS B&G 4100 Will use existing space at the location Administrator (Deputy Director)

INITIATIVE PETITION NO. 1

FEBRUARY 2, 2015

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to marijuana and marijuana establishments.

EXPLANATION - Matter in bolded italics is new; matter between brackets formitted material is material to be omitted.

AN ACT relating to marijuana; requiring the Department of Taxation to adopt regulations relating to the license to operate and operation of a marijuana establishment; providing for disciplinary action against a marijuana establishment which violates laws regulating establishment: authorizing the possession, consumption, purchase, processing and transportation of certain quantities of marijuana by certain persons in this State; authorizing the possession, use, transportation and purchase of marijuana paraphernalia by certain persons in this State; authorizing certain other acts relating to marijuana; making contracts relating to the operation of marijuana establishments enforceable; providing for the licensure of marijuana distributors; providing for licensure of marijuana establishments; providing a fee for the application for a license to operate a marijuana establishment and for an annual licensing fee; establishing certain requirements for marijuana establishments; imposing an excise tax on wholesale sales of marijuana by a marijuana cultivation facility; providing penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short Title. Sections 1 to 18, inclusive, of this act may be cited as the Regulation and Taxation of Marijuana Act.





Sec. 2. Preamble.

 In the interest of the public health and public safety, and in order to better focus state and local law enforcement resources on crimes involving violence and personal property, the People of the State of Nevada find and declare that the use of marijuana should be legal for persons 21 years of age or older, and its cultivation and sale should be regulated similar to other legal businesses.

The People of the State of Nevada declare that the cultivation and sale of marijuana should be taken from the domain of criminals and be regulated under a controlled system, where businesses will be taxed and the revenue will be dedicated to public education and to the enforcement of the regulations in this act.

The People of the State of Nevada proclaim that marijuana should be regulated in a manner similar to alcohol so that:

- (a) Marijuana may only be purchased from a business that is licensed by the State of Nevada;
- (b) Business owners are subject to a review by the State of Nevada to confirm that the business owners and the business location are suitable to produce or sell marijuana;
- (c) Cultivating, manufacturing, testing, transporting, and selling marijuana will be strictly controlled through state licensing and regulation;
- (d) Selling or giving marijuana to persons under 21 years of age shall remain illegal;
- (e) Individuals will have to be 21 years of age or older to purchase marijuana;
- (f) Driving under the influence of marijuana will remain illegal; and
 - (g) Marijuana sold in the state will be tested and labeled.
- Sec. 3. Definitions. As used in sections 1 to 18, inclusive, of this act, unless the context otherwise requires:
- 1. "Community facility" means a facility licensed to provide day care to children, a public park, a public playground, a public swimming pool, a center or facility the primary purpose of which is to provide recreational opportunities or services to children or adolescents, or a church, synagogue, or other building, structure, or place used for religious worship or other religious purpose.
- 2. "Concentrated marijuana" means the separated resin, whether crude or purified, obtained from marijuana.
- 3. "Consumer" means a person who is 21 years of age or older who purchases marijuana or marijuana products for use by persons 21 years of age or older, but not for resale to others.
 - 4. "Department" means the Department of Taxation.
- 5. "Dual Licensee" means a person or group of persons who possess a current, valid registration certificate to operate a medical





marijuana establishment pursuant to Chapter 453A of NRS and a license to operate a marijuana establishment under sections 1 to 18, inclusive, of this act.

- 6. "Excluded felony offense" means a conviction of an offense that would constitute a category A felony if committed in Nevada or convictions for two or more offenses that would constitute felonies if committed in Nevada. "Excluded felony offense" does not include:
- (a) A criminal offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed more than 10 years ago; or
- (b) An offense involving conduct that would be immune from arrest, prosecution, or penalty pursuant to Chapter 453A of NRS, except that the conduct occurred before the effective date of Chapter 453A of NRS, or was prosecuted by an authority other than the State of Nevada.
- 7. "Locality" means a city or town, or, in reference to a location outside the boundaries of a city or town, a county.
- 8. "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Marijuana" does not include:
- (a) The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or
- (b) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.
- 9. "Marijuana cultivation facility" means an entity licensed to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- 10. "Marijuana distributor" means an entity licensed to transport marijuana from a marijuana establishment to another marijuana establishment.
- 11. "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.





12. "Marijuana product manufacturing facility" means an entity licensed to purchase marijuana, manufacture, process, and package marijuana and marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

13. "Marijuana products" means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible

products, ointments, and tinctures.

14. "Marijuana paraphernalia" means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

15. "Marijuana testing facility" means an entity licensed to test marijuana and marijuana products, including for potency and

contaminants.

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16. "Process" means to harvest, dry, cure, trim, and separate parts of the marijuana plant by manual or mechanical means, such as sieving or ice water separation, but not by chemical extraction or chemical synthesis.

17. "Public place" means an area to which the public is invited or in which the public is permitted regardless of age. "Public place"

does not include a retail marijuana store.

18. "Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.

19. "Unreasonably Împracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

Sec. 4. Limitations. 1. Sections 1 to 18 do not permit any person to engage in and do not prevent the imposition of any civil,

criminal, or other penalty for:

(a) Driving, operating, or being in actual physical control of a vehicle, aircraft, or vessel under power or sail while under the influence of marijuana or while impaired by marijuana;

(b) Knowingly delivering, giving, selling, administering, or offering to sell, administer, give, or deliver marijuana to a person

under 21 years of age, unless:





- (1) The recipient is permitted to possess marijuana pursuant to Chapter 453A of NRS; or
- (2) The person demanded and was shown bona fide documentary evidence of the majority and identity of the recipient issued by a federal, state, county, or municipal government, or subdivision or agency thereof;
- (c) Possession or use of marijuana or marijuana paraphernalia on the grounds of, or within, any facility or institution under the jurisdiction of the Nevada Department of Corrections;
- (d) Possession or use of marijuana on the grounds of, or within, a school providing instruction in preschool, kindergarten, or any grades 1 through 12; or
- (e) Undertaking any task under the influence of marijuana that constitutes negligence or professional malpractice.
 - 2. Sections 1 to 18 do not prohibit:
- (a) A public or private employer from maintaining, enacting, and enforcing a workplace policy prohibiting or restricting actions or conduct otherwise permitted under sections 1 to 18, inclusive, of this act;
- (b) A state or local government agency that occupies, owns, or controls a building from prohibiting or otherwise restricting the consumption, cultivation, processing, manufacture, sale, delivery, or transfer of marijuana in that building;
- (c) A person who occupies, owns, or controls a privately owned property from prohibiting or otherwise restricting the smoking, cultivation, processing, manufacture, sale, delivery, or transfer of marijuana on that property; or
- (d) A locality from adopting and enforcing local marijuana control measures pertaining to zoning and land use for marijuana establishments.
- 3. Nothing in the provisions of sections 1 to 18, inclusive, of this act shall be construed as in any manner affecting the provisions of Chapter 453A of NRS relating to the medical use of marijuana.
- Sec. 5. Powers and duties of the Department. 1. Not later than 12 months after the effective date of this act, the Department shall adopt all regulations necessary or convenient to carry out the provisions of sections 1 to 18, inclusive, of this act. The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. The regulations shall include:
- (a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment;
- (b) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment;



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(c) Requirements for the security of marijuana establishments;

(d) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under 21 years of age;

(e) Requirements for the packaging of marijuana and marijuana products, including requirements for child-resistant packaging;

- (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 ratio of THC to the weight of a product intended for oral consumption;
- (g) Requirements for record keeping by marijuana establishments;
- (h) Reasonable restrictions on signage, marketing, display, and advertising;
- (i) Procedures for the collection of taxes, fees, and penalties imposed by sections 1 to 18, inclusive, of this act;
- (j) Procedures and requirements to enable the transfer of a license for a marijuana establishment to another qualified person and to enable a licensee to move the location of its establishment to another suitable location;
- (k) Procedures and requirements to enable a dual licensee to operate medical marijuana establishments and marijuana establishments at the same location;
- (1) Procedures to establish the fair market value at wholesale of marijuana; and
- (m) Civil penalties for the failure to comply with any regulation adopted pursuant to this section or for any violation of the provisions of section 13 of this act.
- 2. The Department shall approve or deny applications for licenses pursuant to section 9 of this act.
- 3. The Department may by motion or on complaint, after investigation, notice of the specific violation, and an opportunity for a hearing, pursuant to the provisions of Chapter 233B of NRS, suspend, revoke, or fine a licensee for the violation of sections 1 to 18, inclusive, of this act or for a violation of a regulation adopted by the Department pursuant to this section.
- 4. The Department may immediately suspend the license of any marijuana establishment if the marijuana establishment knowingly sells, delivers, or otherwise transfers marijuana in violation of sections 1 to 18, inclusive, of this act, or knowingly purchases marijuana from any person not licensed pursuant to sections 1 to 18, inclusive, of this act or to Chapter 453A of NRS. The Department must provide an opportunity for a hearing pursuant to the provisions of NRS 233B.121 within a reasonable time from a suspension pursuant to this subsection.
 - 5. To ensure that individual privacy is protected:



1 2



- (a) The Department shall not require a consumer to provide a retail marijuana store with identifying information other than government-issued identification to determine the consumer's age; and
- (b) A retail marijuana store must not be required to acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.
- 6. The Department shall conduct a background check of each prospective owner, officer, and board member of a marijuana establishment license applicant.
- 7. The Department shall inspect marijuana establishments as necessary to enforce sections 1 to 18, inclusive, of this act or the regulations adopted pursuant to this section.
- Sec. 6. Personal Use and Cultivation of Marijuana. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, except as otherwise provided in sections 1 to 18, inclusive, of this act, it is lawful, in this State, and must not be used as the basis for prosecution or penalty by this State or a political subdivision of this State, and must not, in this State, be a basis for seizure or forfeiture of assets for persons 21 years of age or older to:
- 1. Possess, use, consume, purchase, obtain, process, or transport marijuana paraphernalia, one ounce or less of marijuana other than concentrated marijuana, or one-eighth of an ounce or less of concentrated marijuana;
- 2. Possess, cultivate, process, or transport not more than six marijuana plants for personal use and possess the marijuana produced by the plants on the premises where the plants were grown, provided that:
- (a) Cultivation takes place within a closet, room, greenhouse, or other enclosed area that is equipped with a lock or other security device that allows access only to persons authorized to access the area; and
- (b) No more than 12 plants are possessed, cultivated, or processed at a single residence, or upon the grounds of that residence, at one time;
- 3. Give or otherwise deliver one ounce or less of marijuana, other than concentrated marijuana, or one-eighth of an ounce or less of concentrated marijuana without remuneration to a person provided that the transaction is not advertised or promoted to the public; or
- 4. Assist another person who is 21 years of age or older in any of the acts described in this section.



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Sec. 7. Marijuana Paraphernalia Authorized. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, it is not unlawful and shall not be an offense or be a basis for seizure or forfeiture of assets for persons 21 years of age or older to manufacture, possess, use, transport, or purchase marijuana paraphernalia, or to distribute or sell marijuana paraphernalia to a person who is 21 years of age or older.

Sec. 8. Lawful operation of marijuana establishments. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, except as otherwise provided in sections 1 to 18, inclusive, of this act, or the regulations adopted pursuant to section 5 of this act, it is lawful and must not, in this State, be used as the basis for prosecution or penalty by this State or a political subdivision of this State, and must not, in this State, be a basis for seizure or forfeiture of assets for persons 21 years of age or older to:

1. Possess marijuana and marijuana products, purchase marijuana from a marijuana cultivation facility, purchase marijuana and marijuana products from a marijuana product manufacturing facility, return marijuana or marijuana products to a facility from which they were purchased, transport marijuana and marijuana products to or from a marijuana testing facility, use the services of a marijuana distributor to transport marijuana or marijuana products to or from marijuana establishments, or sell marijuana and marijuana products to consumers, if the person conducting the activities described in this subsection has a current, valid license to operate a retail marijuana store or is acting in the person's capacity as an agent of a retail marijuana store.

2. Cultivate, harvest, process, package, or possess marijuana, sell marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store, transport marijuana to or from a marijuana cultivation facility, a marijuana product manufacturing facility, or a marijuana testing facility, use the services of a marijuana distributor to transport marijuana to or from marijuana establishments, or purchase marijuana from a marijuana cultivation facility, if the person conducting the activities described in this paragraph has a current, valid license to operate a marijuana cultivation facility or is acting in his or her capacity as an agent of a marijuana cultivation facility.

3. Package, process, manufacture, or possess marijuana and marijuana products, transport marijuana and marijuana products to or from a marijuana testing facility, a marijuana cultivation facility, or a marijuana product manufacturing facility, use the services of a marijuana distributor to transport marijuana or marijuana products to or from marijuana establishments, sell marijuana and marijuana



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products to a retail marijuana store or a marijuana product manufacturing facility, purchase marijuana from a marijuana cultivation facility, or purchase marijuana and marijuana products from a marijuana product manufacturing facility, if the person conducting the activities described in this paragraph has a current, valid license to operate a marijuana product manufacturing facility or is acting in his or her capacity as an agent of a marijuana product manufacturing facility.

4. Possess marijuana and marijuana products and transfer and transport marijuana and marijuana products between marijuana establishments, if the person transporting the marijuana and marijuana products has a current, valid license to operate as a marijuana distributor or is acting in his or her capacity as an agent of a marijuana distributor.

5. Possess, process, repackage, transport, or test marijuana and marijuana products if the person has a current, valid license to operate a marijuana testing facility or is acting in his or her capacity as an agent of a marijuana testing facility.

6. Lease or otherwise allow property owned, occupied, or controlled by any person, corporation, or other entity to be used for any of the activities conducted lawfully in accordance with this section.

- Sec. 9. Contracts pertaining to marijuana enforceable. It is the public policy of the People of the State of Nevada that contracts related to the operation of marijuana establishments under sections 1 to 18, inclusive, of this act should be enforceable, and no contract entered into by a licensee, its employees, or its agents as permitted pursuant to a valid license issued by the Department, or by those who allow property to be used by a licensee, its employees, or its agents as permitted pursuant to a valid license issued by the Department, shall be deemed unenforceable on the basis that the actions or conduct permitted pursuant to the license are prohibited by federal law.
- Sec. 10. Certification of marijuana establishments. 1. No later than 12 months after the effective date of this act, the Department shall begin receiving applications for marijuana establishments.
- 2. For 18 months after the Department begins to receive applications for marijuana establishments, the Department shall only accept applications for licenses for retail marijuana stores, marijuana product manufacturing facilities, and marijuana cultivation facilities pursuant to sections 1 to 18, inclusive, of this act, from persons holding a medical marijuana establishment registration certificate pursuant to Chapter 453A of NRS.





- 3. For 18 months after the Department begins to receive applications for marijuana establishments, the Department shall issue licenses for marijuana distributors pursuant to sections 1 to 18, inclusive, of this act, only to persons holding a wholesale dealer license pursuant to Chapter 369 of NRS, unless the Department determines that an insufficient number of marijuana distributors will result from this limitation.
- 4. Upon receipt of a complete marijuana establishment license application, the Department shall, within 90 days:
- (a) Issue the appropriate license if the license application is approved; or
- (b) Send a notice of rejection setting forth the reasons why the Department did not approve the license application.
 - 5. The Department shall approve a license application if:
- (a) The prospective marijuana establishment has submitted an application in compliance with regulations adopted by the Department and the application fee required pursuant to section 12;
- (b) The physical address where the proposed marijuana establishment will operate is owned by the applicant or the applicant has the written permission of the property owner to operate the proposed marijuana establishment on that property;
 - (c) The property is not located within:
- (1) 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed marijuana establishment was submitted to the Department; or
- (2) 300 feet of a community facility that existed on the date on which the application for the proposed marijuana establishment was submitted to the Department;
- (d) The proposed marijuana establishment is a proposed retail marijuana store and there are not more than:
- (1) 80 licenses already issued in a county with a population greater than 700,000;
- (2) 20 licenses already issued in a county with a population that is less than 700,000 but more than 100,000;
- (3) 4 licenses already issued in a county with a population that is less than 100,000 but more than 55,000;
- (4) 2 licenses already issued in a county with a population that is less than 55,000;
- (5) Upon request of a county government, the Department may issue retail marijuana store licenses in that county in addition to the number otherwise allowed pursuant to this paragraph;
- (e) The locality in which the proposed marijuana establishment will be located does not affirm to the Department that the proposed





marijuana establishment will be in violation of zoning or land use rules adopted by the locality; and

- (f) The persons who are proposed to be owners, officers, or board members of the proposed marijuana establishment:
- (1) Have not been convicted of an excluded felony offense; and
- (2) Have not served as an owner, officer, or board member for a medical marijuana establishment or a marijuana establishment that has had its registration certificate or license revoked.
- 6. Competing applications. When competing applications are submitted for a proposed retail marijuana store within a single county, the Department shall use an impartial and numerically scored competitive bidding process to determine which application or applications among those competing will be approved.
- Sec. 11. Expiration and renewal. 1. All licenses expire one year after the date of issue.
- 2. The Department shall issue a renewal license within 10 days of receipt of the prescribed renewal application and renewal fee from a marijuana establishment if its license is not under suspension or has not been revoked.
- Sec. 12. Fee schedule. 1. The Department shall require each applicant for a marijuana establishment license to pay a one-time application fee of \$5,000.
- 2. The Department may require payment of an annual licensing fee not to exceed:

For the initial issuance of a license for a retail	
marijuana store	\$20,000
For a renewal license for a retail marijuana store	
For the initial issuance of a license for a marijuana	Y W
cultivation facility	\$30,000
For a renewal license for a marijuana cultivation	+ ,
facility	\$10,000
For the initial issuance of a license for a marijuana	
product manufacturing facility	\$10,000
For a renewal license for a marijuana product	
manufacturing facility	\$3,300
For the initial issuance of a license for a marijuana	40 ,000
distributor	\$15,000
For a renewal license for a marijuana distributor	\$5,000
For the initial issuance of a license for a marijuana	
testing facility	\$15,000
testing facility	, , , ,
facility	\$5,000



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- Sec. 13. Marijuana establishment operating requirements. In addition to requirements established by rule pursuant to section 5 of this act:
 - 1. Marijuana establishments shall:

- (a) Secure every entrance to the establishment so that access to areas containing marijuana is restricted to persons authorized to possess marijuana;
- (b) Secure the inventory and equipment of the marijuana establishment during and after operating hours to deter and prevent theft of marijuana;
- (c) Determine the criminal history of any person before the person works or volunteers at the marijuana establishment and prevent any person who has been convicted of an excluded felony offense or who is not 21 years of age or older from working or volunteering for the marijuana establishment.
- 2. All cultivation, processing, and manufacture of marijuana must take place at a physical address approved by the Department and within an area that is enclosed and locked in a manner that restricts access only to persons authorized to access the area. The area may be uncovered only if it is enclosed with security fencing that is designed to prevent unauthorized entry and that is at least 8 feet high.
- 3. All cultivation, processing, and manufacture of marijuana must not be visible from a public place by normal unaided vision.
- 4. All cultivation, processing, and manufacture of marijuana must take place on property in the marijuana establishment's lawful possession or with the consent of the person in lawful physical possession of the property.
- 5. A marijuana establishment is subject to reasonable inspection by the Department, and a person who holds a marijuana establishment license must make himself or herself, or an agent thereof, available and present for any inspection required by the Department. The Department shall make reasonable accommodations so that ordinary business is not interrupted and safety and security procedures are not compromised by the inspection.
 - Sec. 14. Penalties. 1. Restrictions on personal cultivation.
- (a) Except as otherwise provided in 453A of NRS, any person who:
- (1) Cultivates marijuana plants within 25 miles of a retail marijuana store licensed pursuant to sections 1 to 18, inclusive, of this act, unless the person is a marijuana cultivation facility or a person acting in his or her capacity as an agent of a marijuana cultivation facility;





(2) Cultivates marijuana plants where they are visible from a public place by normal unaided vision; or

(3) Cultivates marijuana on property not in the cultivator's lawful possession or without the consent of the person in lawful physical possession of the property;

(b) Is guilty of:

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- (1) For a first violation, a misdemeanor punished by a fine of not more than \$600.
- (2) For a second violation, a misdemeanor punished by a fine of not more than \$1,000.

(3) For a third violation, a gross misdemeanor.

(4) For a fourth or subsequent violation, a category E felony.

2. A person who smokes or otherwise consumes marijuana in a public place, in a retail marijuana store, or in a moving vehicle is guilty of a misdemeanor punished by a fine of not more than \$600.

3. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain marijuana is guilty of a misdemeanor.

4. A person under 21 years of age who knowingly enters, loiters, or remains on the premises of a marijuana establishment shall be punished by a fine of not more than \$500 unless the person is authorized to possess marijuana pursuant to Chapter 453A NRS and the marijuana establishment is a dual licensee.

5. A person who manufactures marijuana by chemical extraction or chemical synthesis, unless done pursuant to a marijuana product manufacturing license issued by the Department or authorized by Chapter 453A of NRS, is guilty of a category E felony.

6. A person who knowingly gives marijuana to any person under 21 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

7. A person who knowingly gives marijuana to any person under 18 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

8. Notwithstanding the provisions of sections 1 to 18, inclusive, of this act, after the effective date of this act, the legislature may amend provisions of this act to provide for the conditions in which a locality may permit consumption of marijuana in a retail marijuana store.

Sec. 15. Marijuana excise tax. 1. An excise tax is hereby imposed and must be collected by the State respecting wholesale sales of marijuana in this State by a marijuana cultivation facility at





a rate of 15 percent of the fair market value at wholesale of the marijuana. The tax imposed pursuant to this subsection:

(a) Is the obligation of the marijuana cultivation facility; and

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

Sec. 16. Any tax revenues, fees, or penalties collected pursuant to sections 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 sections 1 to 8, inclusive, of this act and the regulations adopted pursuant thereto. The Department shall remit any remaining money to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 17. Severability. If any provision of this act, or the application thereof to any person, thing, or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this act as a whole or any provision or application of this act which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 18. Effective Date. This act shall become effective on October 1, 2015 if approved by the legislature, or on January 1, 2017 if approved by the voters.







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