

SENATE BILL NO. 32—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DIVISION OF PUBLIC  
AND BEHAVIORAL HEALTH)

PREFILED DECEMBER 20, 2014

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing medical marijuana.  
(BDR 40-333)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to medical marijuana; providing for the issuance of a letter of approval to certain younger children that allows such children to engage in the use of marijuana for medical purposes; authorizing the Division of Public and Behavioral Health of the Department of Health and Human Services to issue a registry identification card; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law exempts a person who holds a valid registry identification card  
2 from state prosecution for possession, delivery and production of marijuana. (NRS  
3 453A.200) The Division of Public and Behavioral Health of the Department of  
4 Health and Human Services may either issue a registry identification card that has  
5 been prepared by the Department of Motor Vehicles to a person who meets certain  
6 qualifications or designate the Department of Motor Vehicles to issue a registry  
7 identification card to such a person. (NRS 453A.210, 453A.220, 453A.740) A  
8 person under the age of 18 years can obtain a registry identification card if the  
9 custodial parent or legal guardian with responsibility for health care decisions for  
10 the person agrees to serve as the designated primary caregiver for the person and  
11 the person meets certain other requirements. (NRS 453A.210) **Sections 6 and 7** of  
12 this bill require the Division to issue a letter of approval to an applicant who is  
13 under 10 years of age stating that the Division has approved the person's  
14 application to be exempted from state prosecution for engaging in the medical use  
15 of marijuana if the applicant meets these requirements instead of requiring the  
16 applicant to obtain a registry identification card that is prepared or issued by the  
17 Department. **Section 7** also prescribes the required contents of a letter of approval.



18 **Section 3** of this bill provides that a person who obtains a letter of approval is  
19 exempt from certain offenses relating to the possession of marijuana or  
20 paraphernalia, but not offenses relating to the delivery and production of marijuana.  
21 **Sections 6 and 11** of this bill require the custodial parent or legal guardian of a  
22 child under the age of 10 years who obtains a letter of approval to agree to serve as  
23 the designated primary caregiver for the child. **Section 7** requires the Division to  
24 issue a registry identification card to the designated primary caregiver of the holder  
25 of a letter of approval. **Sections 14-16** of this bill authorize a medical marijuana  
26 establishment to acquire marijuana from and dispense marijuana to the designated  
27 primary caregiver of a person who holds a letter of approval in the same manner as  
28 for a patient who holds a registry identification card.

29 **Sections 8-12** of this bill make certain provisions concerning the revocation  
30 and expiration of a registry identification card, the designation of a primary  
31 caregiver and acts for which the holder of a registry identification card is not  
32 exempt from state prosecution applicable to the holder of a letter of approval.  
33 **Sections 18 and 19** of this bill authorize a patient who holds a valid letter of  
34 approval and his or her designated primary caregiver to select one medical  
35 marijuana dispensary to serve as his or her designated medical marijuana  
36 dispensary. **Sections 20-23** of this bill make certain rights and protections for  
37 persons who hold a registry identification card and persons who assist such persons  
38 in the medical use of marijuana applicable to a person who holds a letter of  
39 approval and a person who assists a person who holds a letter of approval as well.

40 **Section 24** of this bill authorizes the Division to issue a registry identification  
41 card rather than requiring that the card be prepared by the Department of Motor  
42 Vehicles. **Section 24** further provides that the Division will issue a letter of  
43 approval to a qualified person and authorizes a fee for providing an application and  
44 processing a letter of approval in the same amount as for a registry identification  
45 card.

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

1 **Section 1.** Chapter 453A of NRS is hereby amended by  
2 adding thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“Letter of approval” means a document issued by the*  
4 *Division to an applicant who is under 10 years of age pursuant to*  
5 *NRS 453A.220 which provides that the applicant is exempt from*  
6 *state prosecution for engaging in the medical use of marijuana.*

7 **Sec. 3. 1.** *Except as otherwise provided in this section and*  
8 *NRS 453A.300, a person who holds a valid letter of approval*  
9 *issued pursuant to NRS 453A.220 is exempt from state prosecution*  
10 *for:*

11 *(a) Possession of marijuana;*

12 *(b) Possession of paraphernalia;*

13 *(c) Any combination of the acts described in paragraphs (a)*  
14 *and (b); and*

15 *(d) Any other criminal offense in which the possession of*  
16 *marijuana or paraphernalia is an element.*



1       **2. The exemption from state prosecution set forth in**  
2 **subsection 1 applies only to the extent that the person who holds a**  
3 **letter of approval:**

4       **(a) Engages in the medical use of marijuana in accordance**  
5 **with the provisions of this chapter as justified to mitigate the**  
6 **symptoms or effects of the person's chronic or debilitating medical**  
7 **condition; and**

8       **(b) Does not, at any one time, collectively possess with his or**  
9 **her designated primary caregiver an amount of marijuana for**  
10 **medical purposes that exceeds the limits set forth in**  
11 **NRS 453A.200.**

12       **3. As used in this section, "marijuana" includes, without**  
13 **limitation, edible marijuana products and marijuana-infused**  
14 **products.**

15       **Sec. 4.** NRS 453A.010 is hereby amended to read as follows:

16       453A.010 As used in this chapter, unless the context otherwise  
17 requires, the words and terms defined in NRS 453A.020 to  
18 453A.170, inclusive, **and section 1 of this act** have the meanings  
19 ascribed to them in those sections.

20       **Sec. 5.** NRS 453A.200 is hereby amended to read as follows:

21       453A.200 1. Except as otherwise provided in this section and  
22 NRS 453A.300, a person who holds a valid registry identification  
23 card issued to the person pursuant to NRS 453A.220 or 453A.250 is  
24 exempt from state prosecution for:

25       (a) Possession, delivery or production of marijuana;

26       (b) Possession or delivery of paraphernalia;

27       (c) Aiding and abetting another in the possession, delivery or  
28 production of marijuana;

29       (d) Aiding and abetting another in the possession or delivery of  
30 paraphernalia;

31       (e) Any combination of the acts described in paragraphs (a) to  
32 (d), inclusive; and

33       (f) Any other criminal offense in which the possession, delivery  
34 or production of marijuana or the possession or delivery of  
35 paraphernalia is an element.

36       2. In addition to the provisions of subsections 1 and 5, no  
37 person may be subject to state prosecution for constructive  
38 possession, conspiracy or any other criminal offense solely for being  
39 in the presence or vicinity of the medical use of marijuana in  
40 accordance with the provisions of this chapter.

41       3. The exemption from state prosecution set forth in subsection  
42 1 applies only to the extent that a person who holds a registry  
43 identification card issued to the person pursuant to paragraph (a) of  
44 subsection 1 of NRS 453A.220 ~~[and the]~~ **including, without**



1 *limitation, a* designated primary caregiver : ~~[, if any, of such a~~  
2 ~~person.]~~

3 (a) Engage in or assist in, as applicable, the medical use of  
4 marijuana in accordance with the provisions of this chapter as  
5 justified to mitigate the symptoms or effects of ~~[the]~~ a person's  
6 chronic or debilitating medical condition; and

7 (b) Do not, at any one time, collectively possess ~~[,]~~ *with another*  
8 *who is authorized to possess*, deliver or produce more than:

9 (1) Two and one-half ounces of usable marijuana in any one  
10 14-day period;

11 (2) Twelve marijuana plants, irrespective of whether the  
12 marijuana plants are mature or immature; and

13 (3) A maximum allowable quantity of edible marijuana  
14 products and marijuana-infused products as established by  
15 regulation of the Division.

16 ↪ The persons described in this subsection must ensure that the  
17 usable marijuana and marijuana plants described in this subsection  
18 are safeguarded in an enclosed, secure location.

19 4. If the persons described in subsection 3 possess, deliver or  
20 produce marijuana in an amount which exceeds the amount  
21 described in paragraph (b) of that subsection, those persons:

22 (a) Are not exempt from state prosecution for possession,  
23 delivery or production of marijuana.

24 (b) May establish an affirmative defense to charges of  
25 possession, delivery or production of marijuana, or any combination  
26 of those acts, in the manner set forth in NRS 453A.310.

27 5. A person who holds a valid medical marijuana establishment  
28 registration certificate issued to the person pursuant to NRS  
29 453A.322 or a valid medical marijuana establishment agent  
30 registration card issued to the person pursuant to NRS 453A.332,  
31 and who confines his or her activities to those authorized by NRS  
32 453A.320 to 453A.370, inclusive, and the regulations adopted by  
33 the Division pursuant thereto, is exempt from state prosecution for:

34 (a) Possession, delivery or production of marijuana;

35 (b) Possession or delivery of paraphernalia;

36 (c) Aiding and abetting another in the possession, delivery or  
37 production of marijuana;

38 (d) Aiding and abetting another in the possession or delivery of  
39 paraphernalia;

40 (e) Any combination of the acts described in paragraphs (a) to  
41 (d), inclusive; and

42 (f) Any other criminal offense in which the possession, delivery  
43 or production of marijuana or the possession or delivery of  
44 paraphernalia is an element.



1 6. Notwithstanding any other provision of law and except as  
2 otherwise provided in this subsection, after a medical marijuana  
3 dispensary opens in the county of residence of a person who holds a  
4 registry identification card ~~for his or her~~, *including, without*  
5 *limitation, a designated primary caregiver, [if any,] such [persons*  
6 *are] a person is* not authorized to cultivate, grow or produce  
7 marijuana. The provisions of this subsection do not apply if:

8 (a) The person who holds the registry identification card ~~for his~~  
9 ~~or her designated primary caregiver, if any,] was~~ cultivating,  
10 growing or producing marijuana in accordance with this chapter on  
11 or before July 1, 2013;

12 (b) All the medical marijuana dispensaries in the county of  
13 residence of the person who holds the registry identification card ~~for~~  
14 ~~his or her designated primary caregiver, if any,] close or are~~ unable  
15 to supply the quantity or strain of marijuana necessary for the  
16 medical use of the person to treat his or her specific medical  
17 condition;

18 (c) Because of illness or lack of transportation, the person who  
19 holds the registry identification card ~~[and his or her designated~~  
20 ~~primary caregiver, if any, are] is~~ unable reasonably to travel to a  
21 medical marijuana dispensary; or

22 (d) No medical marijuana dispensary was operating within 25  
23 miles of the residence of the person who holds the registry  
24 identification card at the time the person first applied for his or her  
25 registry identification card.

26 7. As used in this section, "marijuana" includes, without  
27 limitation, edible marijuana products and marijuana-infused  
28 products.

29 **Sec. 6.** NRS 453A.210 is hereby amended to read as follows:

30 453A.210 1. The Division shall establish and maintain a  
31 program for the issuance of registry identification cards *and letters*  
32 *of approval* to persons who meet the requirements of this section.

33 2. Except as otherwise provided in subsections 3 and 5 and  
34 NRS 453A.225, the Division or its designee shall issue a registry  
35 identification card *or letter of approval* to a person who is a resident  
36 of this State and who submits an application on a form prescribed by  
37 the Division accompanied by the following:

38 (a) Valid, written documentation from the person's attending  
39 physician stating that:

40 (1) The person has been diagnosed with a chronic or  
41 debilitating medical condition;

42 (2) The medical use of marijuana may mitigate the symptoms  
43 or effects of that condition; and

44 (3) The attending physician has explained the possible risks  
45 and benefits of the medical use of marijuana;



1 (b) The name, address, telephone number, social security  
2 number and date of birth of the person;

3 (c) Proof satisfactory to the Division that the person is a resident  
4 of this State;

5 (d) The name, address and telephone number of the person's  
6 attending physician;

7 (e) If the person elects to designate a primary caregiver at the  
8 time of application:

9 (1) The name, address, telephone number and social security  
10 number of the designated primary caregiver; and

11 (2) A written, signed statement from the person's attending  
12 physician in which the attending physician approves of the  
13 designation of the primary caregiver; and

14 (f) If the person elects to designate a medical marijuana  
15 dispensary at the time of application, the name of the medical  
16 marijuana dispensary.

17 3. The Division or its designee shall issue a registry  
18 identification card to a person who is ~~[under]~~ *at least 10 years of*  
19 *age but less than 18 years of age or a letter of approval to a person*  
20 *who is less than 10 years of age* if:

21 (a) The person submits the materials required pursuant to  
22 subsection 2; and

23 (b) The custodial parent or legal guardian with responsibility for  
24 health care decisions for the person under 18 years of age signs a  
25 written statement setting forth that:

26 (1) The attending physician of the person under 18 years of  
27 age has explained to that person and to the custodial parent or legal  
28 guardian with responsibility for health care decisions for the person  
29 under 18 years of age the possible risks and benefits of the medical  
30 use of marijuana;

31 (2) The custodial parent or legal guardian with responsibility  
32 for health care decisions for the person under 18 years of age  
33 consents to the use of marijuana by the person under 18 years of age  
34 for medical purposes;

35 (3) The custodial parent or legal guardian with responsibility  
36 for health care decisions for the person under 18 years of age agrees  
37 to serve as the designated primary caregiver for the person under 18  
38 years of age; and

39 (4) The custodial parent or legal guardian with responsibility  
40 for health care decisions for the person under 18 years of age agrees  
41 to control the acquisition of marijuana and the dosage and frequency  
42 of use by the person under 18 years of age.

43 4. The form prescribed by the Division to be used by a person  
44 applying for a registry identification card *or letter of approval*  
45 pursuant to this section must be a form that is in quintuplicate. Upon



1 receipt of an application that is completed and submitted pursuant to  
2 this section, the Division shall:

3 (a) Record on the application the date on which it was received;

4 (b) Retain one copy of the application for the records of the  
5 Division; and

6 (c) Distribute the other four copies of the application in the  
7 following manner:

8 (1) One copy to the person who submitted the application;

9 (2) One copy to the applicant's designated primary caregiver,  
10 if any;

11 (3) One copy to the Central Repository for Nevada Records  
12 of Criminal History; and

13 (4) One copy to:

14 (I) If the attending physician of the applicant is licensed  
15 to practice medicine pursuant to the provisions of chapter 630 of  
16 NRS, the Board of Medical Examiners; or

17 (II) If the attending physician of the applicant is licensed  
18 to practice osteopathic medicine pursuant to the provisions of  
19 chapter 633 of NRS, the State Board of Osteopathic Medicine.

20 ↪ The Central Repository for Nevada Records of Criminal History  
21 shall report to the Division its findings as to the criminal history, if  
22 any, of an applicant within 15 days after receiving a copy of an  
23 application pursuant to subparagraph (3) of paragraph (c). The  
24 Board of Medical Examiners or the State Board of Osteopathic  
25 Medicine, as applicable, shall report to the Division its findings as to  
26 the licensure and standing of the applicant's attending physician  
27 within 15 days after receiving a copy of an application pursuant to  
28 subparagraph (4) of paragraph (c).

29 5. The Division shall verify the information contained in an  
30 application submitted pursuant to this section and shall approve or  
31 deny an application within 30 days after receiving the application.  
32 The Division may contact an applicant, the applicant's attending  
33 physician and designated primary caregiver, if any, by telephone to  
34 determine that the information provided on or accompanying the  
35 application is accurate. The Division may deny an application only  
36 on the following grounds:

37 (a) The applicant failed to provide the information required  
38 pursuant to subsections 2 and 3 to:

39 (1) Establish the applicant's chronic or debilitating medical  
40 condition; or

41 (2) Document the applicant's consultation with an attending  
42 physician regarding the medical use of marijuana in connection with  
43 that condition;



1 (b) The applicant failed to comply with regulations adopted by  
2 the Division, including, without limitation, the regulations adopted  
3 by the Administrator pursuant to NRS 453A.740;

4 (c) The Division determines that the information provided by  
5 the applicant was falsified;

6 (d) The Division determines that the attending physician of the  
7 applicant is not licensed to practice medicine or osteopathic  
8 medicine in this State or is not in good standing, as reported by the  
9 Board of Medical Examiners or the State Board of Osteopathic  
10 Medicine, as applicable;

11 (e) The Division determines that the applicant, or the applicant's  
12 designated primary caregiver, if applicable, has been convicted of  
13 knowingly or intentionally selling a controlled substance;

14 (f) The Division has prohibited the applicant from obtaining or  
15 using a registry identification card *or letter of approval* pursuant to  
16 subsection 2 of NRS 453A.300;

17 (g) The Division determines that the applicant, or the applicant's  
18 designated primary caregiver, if applicable, has had a registry  
19 identification card *or letter of approval* revoked pursuant to NRS  
20 453A.225; or

21 (h) In the case of a person under 18 years of age, the custodial  
22 parent or legal guardian with responsibility for health care decisions  
23 for the person has not signed the written statement required pursuant  
24 to paragraph (b) of subsection 3.

25 6. The decision of the Division to deny an application for a  
26 registry identification card *or letter of approval* is a final decision  
27 for the purposes of judicial review. Only the person whose  
28 application has been denied or, in the case of a person under 18  
29 years of age whose application has been denied, the person's parent  
30 or legal guardian, has standing to contest the determination of the  
31 Division. A judicial review authorized pursuant to this subsection  
32 must be limited to a determination of whether the denial was  
33 arbitrary, capricious or otherwise characterized by an abuse of  
34 discretion and must be conducted in accordance with the procedures  
35 set forth in chapter 233B of NRS for reviewing a final decision of an  
36 agency.

37 7. A person whose application has been denied may not  
38 reapply for 6 months after the date of the denial, unless the Division  
39 or a court of competent jurisdiction authorizes reapplication in a  
40 shorter time.

41 8. Except as otherwise provided in this subsection, if a person  
42 has applied for a registry identification card *or letter of approval*  
43 pursuant to this section and the Division has not yet approved or  
44 denied the application, the person, and the person's designated  
45 primary caregiver, if any, shall be deemed to hold a registry





1 identification card *or letter of approval* upon the presentation to a  
2 law enforcement officer of the copy of the application provided to  
3 him or her pursuant to subsection 4.

4 9. As used in this section, "resident" has the meaning ascribed  
5 to it in NRS 483.141.

6 **Sec. 7.** NRS 453A.220 is hereby amended to read as follows:

7 453A.220 1. If the Division approves an application pursuant  
8 to subsection 5 of NRS 453A.210, the Division or its designee shall,  
9 as soon as practicable after the Division approves the application:

10 (a) Issue a *letter of approval or a* serially numbered registry  
11 identification card, *as applicable*, to the applicant; and

12 (b) If the applicant has designated a primary caregiver, issue a  
13 serially numbered registry identification card to the designated  
14 primary caregiver.

15 2. A registry identification card issued pursuant to paragraph  
16 (a) of subsection 1 must set forth:

17 (a) The name, address, photograph and date of birth of the  
18 applicant;

19 (b) The date of issuance and date of expiration of the registry  
20 identification card;

21 (c) The name and address of the applicant's designated primary  
22 caregiver, if any;

23 (d) The name of the applicant's designated medical marijuana  
24 dispensary, if any;

25 (e) Whether the applicant is authorized to cultivate, grow or  
26 produce marijuana pursuant to subsection 6 of NRS 453A.200; and

27 (f) Any other information prescribed by regulation of the  
28 Division.

29 3. *A letter of approval issued pursuant to paragraph (a) of*  
30 *subsection 1 must set forth:*

31 (a) *The name, address and date of birth of the applicant;*

32 (b) *The date of issuance and date of expiration of the registry*  
33 *identification card;*

34 (c) *The name and address of the applicant's designated*  
35 *primary caregiver;*

36 (d) *The name of the applicant's designated medical marijuana*  
37 *dispensary, if any; and*

38 (e) *Any other information prescribed by regulation of the*  
39 *Division.*

40 4. A registry identification card issued pursuant to paragraph  
41 (b) of subsection 1 must set forth:

42 (a) The name, address and photograph of the designated primary  
43 caregiver;

44 (b) The date of issuance and date of expiration of the registry  
45 identification card;



1 (c) The name and address of the applicant for whom the person  
2 is the designated primary caregiver;

3 (d) The name of the designated primary caregiver's designated  
4 medical marijuana dispensary, if any;

5 (e) Whether the designated primary caregiver is authorized to  
6 cultivate, grow or produce marijuana pursuant to subsection 6 of  
7 NRS 453A.200; and

8 (f) Any other information prescribed by regulation of the  
9 Division.

10 ~~4.~~ 5. Except as otherwise provided in NRS 453A.225,  
11 subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300,  
12 a registry identification card *or letter of approval* issued pursuant to  
13 this section is valid for a period of 1 year and may be renewed in  
14 accordance with regulations adopted by the Division.

15 **Sec. 8.** NRS 453A.225 is hereby amended to read as follows:

16 453A.225 1. If, at any time after the Division or its designee  
17 has issued a registry identification card *or letter of approval* to a  
18 person pursuant to paragraph (a) of subsection 1 of NRS 453A.220,  
19 the Division determines, on the basis of official documents or  
20 records or other credible evidence, that the person:

21 (a) Provided falsified information on his or her application to the  
22 Division or its designee, as described in paragraph (c) of subsection  
23 5 of NRS 453A.210; or

24 (b) Has been convicted of knowingly or intentionally selling a  
25 controlled substance, as described in paragraph (e) of subsection 5  
26 of NRS 453A.210,

27 ↪ the Division shall immediately revoke the registry identification  
28 card *or letter of approval* issued to that person and shall  
29 immediately revoke the registry identification card issued to that  
30 person's designated primary caregiver, if any.

31 2. If, at any time after the Division or its designee has issued a  
32 registry identification card to a person pursuant to paragraph (b) of  
33 subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the  
34 Division determines, on the basis of official documents or records or  
35 other credible evidence, that the person has been convicted of  
36 knowingly or intentionally selling a controlled substance, as  
37 described in paragraph (e) of subsection 5 of NRS 453A.210, the  
38 Division shall immediately revoke the registry identification card  
39 issued to that person.

40 3. Upon the revocation of a registry identification card *or letter*  
41 *of approval* pursuant to this section:

42 (a) The Division shall send, by certified mail, return receipt  
43 requested, notice to the person whose registry identification card *or*  
44 *letter of approval* has been revoked, advising the person of the  
45 requirements of paragraph (b); and



1 (b) The person shall return his or her registry identification card  
2 *or letter of approval* to the Division within 7 days after receiving  
3 the notice sent pursuant to paragraph (a).

4 4. The decision of the Division to revoke a registry  
5 identification card *or letter of approval* pursuant to this section is a  
6 final decision for the purposes of judicial review.

7 5. A person whose registry identification card *or letter of*  
8 *approval* has been revoked pursuant to this section may not reapply  
9 for a registry identification card *or letter of approval* pursuant to  
10 NRS 453A.210 for 12 months after the date of the revocation, unless  
11 the Division or a court of competent jurisdiction authorizes  
12 reapplication in a shorter time.

13 **Sec. 9.** NRS 453A.230 is hereby amended to read as follows:

14 453A.230 1. A person to whom the Division or its designee  
15 has issued a registry identification card *or letter of approval*  
16 pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in  
17 accordance with regulations adopted by the Division:

18 (a) Notify the Division of any change in the person's name,  
19 address, telephone number, designated medical marijuana  
20 dispensary, attending physician or designated primary caregiver, if  
21 any; and

22 (b) Submit annually to the Division:

23 (1) Updated written documentation from the person's  
24 attending physician in which the attending physician sets forth that:

25 (I) The person continues to suffer from a chronic or  
26 debilitating medical condition;

27 (II) The medical use of marijuana may mitigate the  
28 symptoms or effects of that condition; and

29 (III) The attending physician has explained to the person  
30 the possible risks and benefits of the medical use of marijuana; and

31 (2) If the person elects to designate a primary caregiver for  
32 the subsequent year and the primary caregiver so designated was not  
33 the person's designated primary caregiver during the previous year:

34 (I) The name, address, telephone number and social  
35 security number of the designated primary caregiver; and

36 (II) A written, signed statement from the person's  
37 attending physician in which the attending physician approves of the  
38 designation of the primary caregiver.

39 2. A person to whom the Division or its designee has issued a  
40 registry identification card pursuant to paragraph (b) of subsection 1  
41 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in  
42 accordance with regulations adopted by the Division, notify the  
43 Division of any change in the person's name, address, telephone  
44 number, designated medical marijuana dispensary or the identity of  
45 the person for whom he or she acts as designated primary caregiver.



1 3. If a person fails to comply with the provisions of subsection  
2 1 or 2, the registry identification card *or letter of approval* issued to  
3 the person shall be deemed expired. If the registry identification  
4 card *or letter of approval* of a person to whom the Division or its  
5 designee issued the card *or letter* pursuant to paragraph (a) of  
6 subsection 1 of NRS 453A.220 is deemed expired pursuant to this  
7 subsection, a registry identification card issued to the person's  
8 designated primary caregiver, if any, shall also be deemed expired.  
9 Upon the deemed expiration of a registry identification card *or letter*  
10 *of approval* pursuant to this subsection:

11 (a) The Division shall send, by certified mail, return receipt  
12 requested, notice to the person whose registry identification card *or*  
13 *letter of approval* has been deemed expired, advising the person of  
14 the requirements of paragraph (b); and

15 (b) The person shall return his or her registry identification card  
16 *or letter of approval* to the Division within 7 days after receiving  
17 the notice sent pursuant to paragraph (a).

18 **Sec. 10.** NRS 453A.240 is hereby amended to read as follows:

19 453A.240 If a person to whom the Division or its designee has  
20 issued a registry identification card *or letter of approval* pursuant to  
21 paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the  
22 person's attending physician as no longer having a chronic or  
23 debilitating medical condition, the person *shall return his or*  
24 *her registry identification card or letter of approval* and his or her  
25 designated primary caregiver, if any, shall return ~~their~~ *his or her*  
26 registry identification ~~cards~~ *card* to the Division within 7 days  
27 after notification of the diagnosis.

28 **Sec. 11.** NRS 453A.250 is hereby amended to read as follows:


29 453A.250 1. If a person who applies to the Division for a  
30 registry identification card *or letter of approval* or to whom the  
31 Division or its designee has issued a registry identification card *or*  
32 *letter of approval* pursuant to paragraph (a) of subsection 1 of NRS  
33 453A.220 desires *or is required* to designate a primary caregiver,  
34 the person must:

35 (a) To designate a primary caregiver at the time of application,  
36 submit to the Division the information required pursuant to  
37 paragraph (e) of subsection 2 of NRS 453A.210; or

38 (b) To designate a primary caregiver after the Division or its  
39 designee has issued a registry identification card *or letter of*  
40 *approval* to the person, submit to the Division the information  
41 required pursuant to subparagraph (2) of paragraph (b) of subsection  
42 1 of NRS 453A.230.

43 2. A person may have only one designated primary caregiver at  
44 any one time.



1 3. If a person designates a primary caregiver after the time that  
2 the person initially applies for a registry identification card  *or*  
3 *letter of approval*, the Division or its designee shall, except as  
4 otherwise provided in subsection 5 of NRS 453A.210, issue a  
5 registry identification card to the designated primary caregiver as  
6 soon as practicable after receiving the information submitted  
7 pursuant to paragraph (b) of subsection 1.

8 **Sec. 12.** NRS 453A.300 is hereby amended to read as follows:

9 453A.300 1. A person who holds a registry identification  
10 card *or letter of approval* issued to him or her pursuant to NRS  
11 453A.220 or 453A.250 is not exempt from state prosecution for, nor  
12 may the person establish an affirmative defense to charges arising  
13 from, any of the following acts:

14 (a) Driving, operating or being in actual physical control of a  
15 vehicle or a vessel under power or sail while under the influence of  
16 marijuana.

17 (b) Engaging in any other conduct prohibited by NRS 484C.110,  
18 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS  
19 488.410, 488.420, 488.425 or 493.130.

20 (c) Possessing a firearm in violation of paragraph (b) of  
21 subsection 1 of NRS 202.257.

22 (d) Possessing marijuana in violation of NRS 453.336 or  
23 possessing paraphernalia in violation of NRS 453.560 or 453.566, if  
24 the possession of the marijuana or paraphernalia is discovered  
25 because the person engaged or assisted in the medical use of  
26 marijuana in:

27 (1) Any public place or in any place open to the public or  
28 exposed to public view; or

29 (2) Any local detention facility, county jail, state prison,  
30 reformatory or other correctional facility, including, without  
31 limitation, any facility for the detention of juvenile offenders.

32 (e) Delivering marijuana to another person who he or she knows  
33 does not lawfully hold a registry identification card *or letter of*  
34 *approval* issued by the Division or its designee pursuant to NRS  
35 453A.220 or 453A.250.

36 (f) Delivering marijuana for consideration to any person,  
37 regardless of whether the recipient lawfully holds a registry  
38 identification card *or letter of approval* issued by the Division or its  
39 designee pursuant to NRS 453A.220 or 453A.250.

40 2. Except as otherwise provided in NRS 453A.225 and in  
41 addition to any other penalty provided by law, if the Division  
42 determines that a person has willfully violated a provision of this  
43 chapter or any regulation adopted by the Division to carry out the  
44 provisions of this chapter, the Division may, at its own discretion,



1 prohibit the person from obtaining or using a registry identification  
2 card *or letter of approval* for a period of up to 6 months.

3 **Sec. 13.** NRS 453A.310 is hereby amended to read as follows:

4 453A.310. 1. Except as otherwise provided in this section and  
5 NRS 453A.300, it is an affirmative defense to a criminal charge of  
6 possession, delivery or production of marijuana, or any other  
7 criminal offense in which possession, delivery or production of  
8 marijuana is an element, that the person charged with the offense:

9 (a) Is a person who:

10 (1) Has been diagnosed with a chronic or debilitating  
11 medical condition within the 12-month period preceding his or her  
12 arrest and has been advised by his or her attending physician that the  
13 medical use of marijuana may mitigate the symptoms or effects of  
14 that chronic or debilitating medical condition;

15 (2) Is engaged in the medical use of marijuana; and

16 (3) Possesses, delivers or produces marijuana only in the  
17 amount described in paragraph (b) of subsection 3 of NRS  
18 453A.200 or in excess of that amount if the person proves by a  
19 preponderance of the evidence that the greater amount is medically  
20 necessary as determined by the person's attending physician to  
21 mitigate the symptoms or effects of the person's chronic or  
22 debilitating medical condition; or

23 (b) Is a person who:

24 (1) Is assisting a person described in paragraph (a) in the  
25 medical use of marijuana; and

26 (2) Possesses, delivers or produces marijuana only in the  
27 amount described in paragraph (b) of subsection 3 of NRS  
28 453A.200 or in excess of that amount if the person proves by a  
29 preponderance of the evidence that the greater amount is medically  
30 necessary as determined by the assisted person's attending physician  
31 to mitigate the symptoms or effects of the assisted person's chronic  
32 or debilitating medical condition.

33 2. A person need not hold a registry identification card *or letter*  
34 *of approval* issued to the person by the Division or its designee  
35 pursuant to NRS 453A.220 or 453A.250 to assert an affirmative  
36 defense described in this section.

37 3. Except as otherwise provided in this section and in addition  
38 to the affirmative defense described in subsection 1, a person  
39 engaged or assisting in the medical use of marijuana who is charged  
40 with a crime pertaining to the medical use of marijuana is not  
41 precluded from:

42 (a) Asserting a defense of medical necessity; or

43 (b) Presenting evidence supporting the necessity of marijuana  
44 for treatment of a specific disease or medical condition,



1 ↪ if the amount of marijuana at issue is not greater than the amount  
2 described in paragraph (b) of subsection 3 of NRS 453A.200 and the  
3 person has taken steps to comply substantially with the provisions of  
4 this chapter.

5 4. A defendant who intends to offer an affirmative defense  
6 described in this section shall, not less than 5 days before trial or at  
7 such other time as the court directs, file and serve upon the  
8 prosecuting attorney a written notice of the defendant's intent to  
9 claim the affirmative defense. The written notice must:

10 (a) State specifically why the defendant believes he or she is  
11 entitled to assert the affirmative defense; and

12 (b) Set forth the factual basis for the affirmative defense.

13 ↪ A defendant who fails to provide notice of his or her intent to  
14 claim an affirmative defense as required pursuant to this subsection  
15 may not assert the affirmative defense at trial unless the court, for  
16 good cause shown, orders otherwise.

17 **Sec. 14.** NRS 453A.340 is hereby amended to read as follows:

18 453A.340 The following acts constitute grounds for immediate  
19 revocation of a medical marijuana establishment registration  
20 certificate:

21 1. Dispensing, delivering or otherwise transferring marijuana  
22 to a person other than a medical marijuana establishment agent,  
23 another medical marijuana establishment, a ~~{patient}~~ *person* who  
24 holds a valid registry identification card ~~{or the}~~, *including, without*  
25 *limitation, a* designated primary caregiver . ~~{of such a patient.}~~

26 2. Acquiring usable marijuana or mature marijuana plants from  
27 any person other than a medical marijuana establishment agent,  
28 another medical marijuana establishment, a ~~{patient}~~ *person* who  
29 holds a valid registry identification card ~~{or the}~~, *including, without*  
30 *limitation, a* designated primary caregiver . ~~{of such a patient.}~~

31 3. Violating a regulation of the Division, the violation of which  
32 is stated to be grounds for immediate revocation of a medical  
33 marijuana establishment registration certificate.

34 **Sec. 15.** NRS 453A.342 is hereby amended to read as follows:

35 453A.342 The following acts constitute grounds for the  
36 immediate revocation of the medical marijuana establishment agent  
37 registration card of a medical marijuana establishment agent:

38 1. Having committed or committing any excluded felony  
39 offense.

40 2. Dispensing, delivering or otherwise transferring marijuana  
41 to a person other than a medical marijuana establishment agent,  
42 another medical marijuana establishment, a ~~{patient}~~ *person* who  
43 holds a valid registry identification card ~~{or the}~~, *including, without*  
44 *limitation, a* designated primary caregiver . ~~{of such a patient.}~~





1 3. Violating a regulation of the Division, the violation of which  
2 is stated to be grounds for immediate revocation of a medical  
3 marijuana establishment agent registration card.

4 **Sec. 16.** NRS 453A.352 is hereby amended to read as follows:

5 453A.352 1. The operating documents of a medical  
6 marijuana establishment must include procedures:

7 (a) For the oversight of the medical marijuana establishment;  
8 and

9 (b) To ensure accurate recordkeeping, including, without  
10 limitation, the provisions of NRS 453A.354 and 453A.356.

11 2. Except as otherwise provided in this subsection, a medical  
12 marijuana establishment:

13 (a) That is a medical marijuana dispensary must have a single  
14 entrance for patrons, which must be secure, and shall implement  
15 strict security measures to deter and prevent the theft of marijuana  
16 and unauthorized entrance into areas containing marijuana.

17 (b) That is not a medical marijuana dispensary must have a  
18 single secure entrance and shall implement strict security measures  
19 to deter and prevent the theft of marijuana and unauthorized  
20 entrance into areas containing marijuana.

21 ↪ The provisions of this subsection do not supersede any state or  
22 local requirements relating to minimum numbers of points of entry  
23 or exit, or any state or local requirements relating to fire safety.

24 3. A medical marijuana establishment is prohibited from  
25 acquiring, possessing, cultivating, manufacturing, delivering,  
26 transferring, transporting, supplying or dispensing marijuana for any  
27 purpose except to:

28 (a) Directly or indirectly assist patients who possess valid  
29 registry identification cards; and

30 (b) Assist patients who possess valid registry identification cards  
31 *or letters of approval* by way of those patients' designated primary  
32 caregivers.

33 ↪ For the purposes of this subsection, a person shall be deemed to  
34 be a patient who possesses a valid registry identification card *or*  
35 *letter of approval* if he or she qualifies for nonresident reciprocity  
36 pursuant to NRS 453A.364.

37 4. All cultivation or production of marijuana that a cultivation  
38 facility carries out or causes to be carried out must take place in an  
39 enclosed, locked facility at the physical address provided to the  
40 Division during the registration process for the cultivation facility.  
41 Such an enclosed, locked facility must be accessible only by  
42 medical marijuana establishment agents who are lawfully associated  
43 with the cultivation facility, except that limited access by persons  
44 necessary to perform construction or repairs or provide other labor





1 is permissible if such persons are supervised by a medical marijuana  
2 establishment agent.

3 5. A medical marijuana dispensary and a cultivation facility  
4 may acquire usable marijuana or marijuana plants from a ~~[patient]~~  
5 *person* who holds a valid registry identification card, ~~[or the]~~  
6 *including, without limitation, a* designated primary caregiver . ~~[of~~  
7 ~~such a patient.]~~ Except as otherwise provided in this subsection, the  
8 patient or caregiver, as applicable, must receive no compensation for  
9 the marijuana. A patient who holds a valid registry identification  
10 card, and the designated primary caregiver of such a patient, *or the*  
11 *designated primary caregiver of a person who holds a letter of*  
12 *approval* may sell usable marijuana to a medical marijuana  
13 dispensary one time and may sell marijuana plants to a cultivation  
14 facility one time.

15 6. A medical marijuana establishment shall not allow any  
16 person to consume marijuana on the property or premises of the  
17 establishment.

18 7. Medical marijuana establishments are subject to reasonable  
19 inspection by the Division at any time, and a person who holds a  
20 medical marijuana establishment registration certificate must make  
21 himself or herself, or a designee thereof, available and present for  
22 any inspection by the Division of the establishment.

23 **Sec. 17.** NRS 453A.364 is hereby amended to read as follows:

24 453A.364 1. The State of Nevada and the medical marijuana  
25 dispensaries in this State which hold valid medical marijuana  
26 establishment registration certificates will recognize a nonresident  
27 card only under the following circumstances:

28 (a) The state or jurisdiction from which the holder or bearer  
29 obtained the nonresident card grants an exemption from criminal  
30 prosecution for the medical use of marijuana;

31 (b) The state or jurisdiction from which the holder or bearer  
32 obtained the nonresident card requires, as a prerequisite to the  
33 issuance of such a card, that a physician advise the person that the  
34 medical use of marijuana may mitigate the symptoms or effects of  
35 the person's medical condition;

36 (c) The nonresident card has an expiration date and has not yet  
37 expired;

38 (d) The holder or bearer of the nonresident card signs an  
39 affidavit in a form prescribed by the Division which sets forth that  
40 the holder or bearer is entitled to engage in the medical use of  
41 marijuana in his or her state or jurisdiction of residence; and

42 (e) The holder or bearer of the nonresident card agrees to abide  
43 by, and does abide by, the legal limits on the possession of  
44 marijuana for medical purposes in this State, as set forth in  
45 NRS 453A.200.



1 2. For the purposes of the reciprocity described in this section:  
2 (a) The amount of medical marijuana that the holder or bearer of  
3 a nonresident card is entitled to possess in his or her state or  
4 jurisdiction of residence is not relevant; and

5 (b) Under no circumstances, while in this State, may the holder  
6 or bearer of a nonresident card possess marijuana for medical  
7 purposes in excess of the limits set forth in NRS 453A.200.

8 3. As used in this section, "nonresident card" means a card or  
9 other identification that:

10 (a) Is issued by a state or jurisdiction other than Nevada; and

11 (b) Is the functional equivalent of a registry identification card  
12 **H** or *letter of approval*, as determined by the Division.

13 **Sec. 18.** NRS 453A.366 is hereby amended to read as follows:  
14 453A.366 1. A patient who holds a valid registry  
15 identification card *or letter of approval* and his or her designated  
16 primary caregiver, if any, may select one medical marijuana  
17 dispensary to serve as his or her designated medical marijuana  
18 dispensary at any one time.

19 2. A patient who designates a medical marijuana dispensary as  
20 described in subsection 1:

21 (a) Shall communicate the designation to the Division within the  
22 time specified by the Division.

23 (b) May change his or her designation not more than once in a  
24 30-day period.

25 **Sec. 19.** NRS 453A.370 is hereby amended to read as follows:  
26 453A.370 The Division shall adopt such regulations as it  
27 determines to be necessary or advisable to carry out the provisions  
28 of NRS 453A.320 to 453A.370, inclusive. Such regulations are in  
29 addition to any requirements set forth in statute and must, without  
30 limitation:

31 1. Prescribe the form and any additional required content of  
32 registration and renewal applications submitted pursuant to NRS  
33 453A.322 and 453A.332.

34 2. Set forth rules pertaining to the safe and healthful operation  
35 of medical marijuana establishments, including, without limitation:

36 (a) The manner of protecting against diversion and theft without  
37 imposing an undue burden on medical marijuana establishments or  
38 compromising the confidentiality of the holders of registry  
39 identification cards **H** and *letters of approval*.

40 (b) Minimum requirements for the oversight of medical  
41 marijuana establishments.

42 (c) Minimum requirements for the keeping of records by  
43 medical marijuana establishments.

44 (d) Provisions for the security of medical marijuana  
45 establishments, including, without limitation, requirements for the



1 protection by a fully operational security alarm system of each  
2 medical marijuana establishment.

3 (e) Procedures pursuant to which medical marijuana  
4 dispensaries must use the services of an independent testing  
5 laboratory to ensure that any marijuana, edible marijuana products  
6 and marijuana-infused products sold by the dispensaries to end users  
7 are tested for content, quality and potency in accordance with  
8 standards established by the Division.

9 (f) Procedures pursuant to which a medical marijuana  
10 dispensary will be notified by the Division if a patient who holds a  
11 valid registry identification card *or letter of approval* has chosen the  
12 dispensary as his or her designated medical marijuana dispensary, as  
13 described in NRS 453A.366.

14 3. Establish circumstances and procedures pursuant to which  
15 the maximum fees set forth in NRS 453A.344 may be reduced over  
16 time:

17 (a) To ensure that the fees imposed pursuant to NRS 453A.344  
18 are, insofar as may be practicable, revenue neutral; and

19 (b) To reflect gifts and grants received by the Division pursuant  
20 to NRS 453A.720.

21 4. Set forth the amount of usable marijuana that a medical  
22 marijuana dispensary may dispense to a person who holds a valid  
23 registry identification card, ~~for the~~ *including, without limitation, a*  
24 designated primary caregiver, ~~of such a person,~~ in any one 14-day  
25 period. Such an amount must not exceed the limits set forth in  
26 NRS 453A.200.

27 5. As far as possible while maintaining accountability, protect  
28 the identity and personal identifying information of each person who  
29 receives, facilitates or delivers services in accordance with this  
30 chapter.

31 6. In cooperation with the Board of Medical Examiners and the  
32 State Board of Osteopathic Medicine, establish a system to:

33 (a) Register and track attending physicians who advise their  
34 patients that the medical use of marijuana may mitigate the  
35 symptoms or effects of the patient's medical condition;

36 (b) Insofar as is possible, track and quantify the number of times  
37 an attending physician described in paragraph (a) makes such an  
38 advisement; and

39 (c) Provide for the progressive discipline of attending physicians  
40 who advise the medical use of marijuana at a rate at which the  
41 Division and Board determine and agree to be unreasonably high.

42 7. Establish different categories of medical marijuana  
43 establishment agent registration cards, including, without limitation,  
44 criteria for training and certification, for each of the different types



1 of medical marijuana establishments at which such an agent may be  
2 employed or volunteer.

3 8. Provide for the maintenance of a log by the Division of each  
4 person who is authorized to cultivate, grow or produce marijuana  
5 pursuant to subsection 6 of NRS 453A.200. The Division shall  
6 ensure that the contents of the log are available for verification by  
7 law enforcement personnel 24 hours a day.

8 9. Address such other matters as may assist in implementing  
9 the program of dispensation contemplated by NRS 453A.320 to  
10 453A.370, inclusive.

11 **Sec. 20.** NRS 453A.400 is hereby amended to read as follows:

12 453A.400 1. The fact that a person possesses a registry  
13 identification card *or letter of approval* issued to the person by the  
14 Division or its designee pursuant to NRS 453A.220 or 453A.250, a  
15 medical marijuana establishment registration certificate issued to the  
16 person by the Division or its designee pursuant to NRS 453A.322 or  
17 a medical marijuana establishment agent registration card issued to  
18 the person by the Division or its designee pursuant to NRS  
19 453A.332 does not, alone:

20 (a) Constitute probable cause to search the person or the  
21 person's property; or

22 (b) Subject the person or the person's property to inspection by  
23 any governmental agency.

24 2. Except as otherwise provided in this subsection, if officers  
25 of a state or local law enforcement agency seize marijuana,  
26 paraphernalia or other related property from a person engaged in,  
27 facilitating or assisting in the medical use of marijuana:

28 (a) The law enforcement agency shall ensure that the marijuana,  
29 paraphernalia or other related property is not destroyed while in the  
30 possession of the law enforcement agency.

31 (b) Any property interest of the person from whom the  
32 marijuana, paraphernalia or other related property was seized must  
33 not be forfeited pursuant to any provision of law providing for the  
34 forfeiture of property, except as part of a sentence imposed after  
35 conviction of a criminal offense.

36 (c) Upon a determination by the district attorney of the county in  
37 which the marijuana, paraphernalia or other related property was  
38 seized, or the district attorney's designee, that the person from  
39 whom the marijuana, paraphernalia or other related property was  
40 seized is engaging in or assisting in the medical use of marijuana in  
41 accordance with the provisions of this chapter, the law enforcement  
42 agency shall immediately return to that person any usable  
43 marijuana, marijuana plants, paraphernalia or other related property  
44 that was seized.



1 ↪ The provisions of this subsection do not require a law  
2 enforcement agency to care for live marijuana plants.

3 3. For the purposes of paragraph (c) of subsection 2, the  
4 determination of a district attorney or the district attorney's designee  
5 that a person is engaging in or assisting in the medical use of  
6 marijuana in accordance with the provisions of this chapter shall be  
7 deemed to be evidenced by:

- 8 (a) A decision not to prosecute;
- 9 (b) The dismissal of charges; or
- 10 (c) Acquittal.

11 **Sec. 21.** NRS 453A.500 is hereby amended to read as follows:


12 453A.500 The Board of Medical Examiners or the State Board  
13 of Osteopathic Medicine, as applicable, shall not take any  
14 disciplinary action against an attending physician on the basis that  
15 the attending physician:

16 1. Advised a person whom the attending physician has  
17 diagnosed as having a chronic or debilitating medical condition, or a  
18 person whom the attending physician knows has been so diagnosed  
19 by another physician licensed to practice medicine pursuant to the  
20 provisions of chapter 630 of NRS or licensed to practice osteopathic  
21 medicine pursuant to the provisions of chapter 633 of NRS:

22 (a) About the possible risks and benefits of the medical use of  
23 marijuana; or

24 (b) That the medical use of marijuana may mitigate the  
25 symptoms or effects of the person's chronic or debilitating medical  
26 condition,

27 ↪ if the advice is based on the attending physician's personal  
28 assessment of the person's medical history and current medical  
29 condition.

30 2. Provided the written documentation required pursuant to  
31 paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a  
32 registry identification card *or letter of approval* or pursuant to  
33 subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230  
34 for the renewal of a registry identification card  *or letter of*  
35 *approval* if:

36 (a) Such documentation is based on the attending physician's  
37 personal assessment of the person's medical history and current  
38 medical condition; and

39 (b) The physician has advised the person about the possible risks  
40 and benefits of the medical use of marijuana.

41 **Sec. 22.** NRS 453A.510 is hereby amended to read as follows:

42 453A.510 A professional licensing board shall not take any  
43 disciplinary action against a person licensed by the board on the  
44 basis that:



1 1. The person engages in or has engaged in the medical use of  
2 marijuana in accordance with the provisions of this chapter; or

3 2. The person acts as or has acted as the designated primary  
4 caregiver of a person who holds a registry identification card *or*  
5 *letter of approval* issued to him or her pursuant to paragraph (a) of  
6 subsection 1 of NRS 453A.220.

7 **Sec. 23.** NRS 453A.700 is hereby amended to read as follows:

8 453A.700 1. Except as otherwise provided in this section,  
9 NRS 239.0115 and subsection 4 of NRS 453A.210, the Division and  
10 any designee of the Division shall maintain the confidentiality of  
11 and shall not disclose:

12 (a) The contents of any applications, records or other written  
13 documentation that the Division or its designee creates or receives  
14 pursuant to the provisions of this chapter; or

15 (b) The name or any other identifying information of:

16 (1) An attending physician; or

17 (2) A person who has applied for or to whom the Division or  
18 its designee has issued a registry identification card ~~or~~ *or letter of*  
19 *approval*.

20 ↪ Except as otherwise provided in NRS 239.0115, the items of  
21 information described in this subsection are confidential, not subject  
22 to subpoena or discovery and not subject to inspection by the  
23 general public.

24 2. Notwithstanding the provisions of subsection 1, the Division  
25 or its designee may release the name and other identifying  
26 information of a person to whom the Division or its designee has  
27 issued a registry identification card *or letter of approval* to:

28 (a) Authorized employees of the Division or its designee as  
29 necessary to perform official duties of the Division; and

30 (b) Authorized employees of state and local law enforcement  
31 agencies, only as necessary to verify that a person is the lawful  
32 holder of a registry identification card *or letter of approval* issued to  
33 him or her pursuant to NRS 453A.220 or 453A.250.

34 **Sec. 24.** NRS 453A.740 is hereby amended to read as follows:

35 453A.740 The Administrator of the Division shall adopt such  
36 regulations as the Administrator determines are necessary to carry  
37 out the provisions of this chapter. The regulations must set forth,  
38 without limitation:

39 1. Procedures pursuant to which the Division will ~~or~~ *issue a*  
40 *letter of approval or a registry identification card or*, in  
41 cooperation with the Department of Motor Vehicles, cause a registry  
42 identification card to be prepared and issued to a qualified person as  
43 a type of identification card described in NRS 483.810 to 483.890,  
44 inclusive. The procedures described in this subsection must provide  
45 that the Division will:



1 (a) Issue a registry identification card *or letter of approval* to a  
2 qualified person ; ~~{after the card has been prepared by the~~  
3 ~~Department of Motor Vehicles;}~~ or

4 (b) Designate the Department of Motor Vehicles to issue a  
5 registry identification card to a person if:

6 (1) The person presents to the Department of Motor Vehicles  
7 valid documentation issued by the Division indicating that the  
8 Division has approved the issuance of a registry identification card  
9 to the person; and

10 (2) The Department of Motor Vehicles, before issuing the  
11 registry identification card, confirms by telephone or other reliable  
12 means that the Division has approved the issuance of a registry  
13 identification card to the person.

14 2. Fees for:

15 (a) Providing to an applicant an application for a registry  
16 identification card ~~{}~~ *or letter of approval*, which fee must not  
17 exceed \$25; and

18 (b) Processing and issuing a registry identification card ~~{}~~ *or*  
19 *letter of approval*, which fee must not exceed \$75.

20 **Sec. 25.** NRS 207.335 is hereby amended to read as follows:

21 207.335 1. It is unlawful for any person to counterfeit or  
22 forge or attempt to counterfeit or forge a registry identification card  
23 ~~{}~~ *or letter of approval*.

24 2. Any person who violates the provisions of subsection 1 is  
25 guilty of a category E felony and shall be punished as provided in  
26 NRS 193.130.

27 3. As used in this section ~~{, "registry"}~~ :

28 (a) *"Letter of approval" has the meaning ascribed to it in*  
29 *section 1 of this act.*

30 (b) *"Registry identification card" has the meaning ascribed to it*  
31 *in NRS 453A.140.*

32 **Sec. 26.** This act becomes effective on July 1, 2015.

