

Public Comments Related CLV Proposed Medical Marijuana Regulations



By

Department of Planning –
Business Licensing Division



Robert Summerfield

From: Isaac Farrell <isaac@lxilabs.com>
Sent: Tuesday, April 01, 2014 5:01 PM
To: AmendTitle6
Cc: Isaac Farrell
Subject: Testing of Marijuana

Section 16, Item F.

Licensed Laboratory.

Besides a City of Las Vegas Laboratory License;

Laboratory should have a Nevada State Lab License.

Laboratory should be required to have a DEA License to handle Marijuana (typically other drugs as well).

Laboratory should be required to have a Federal CLIA Lab License.

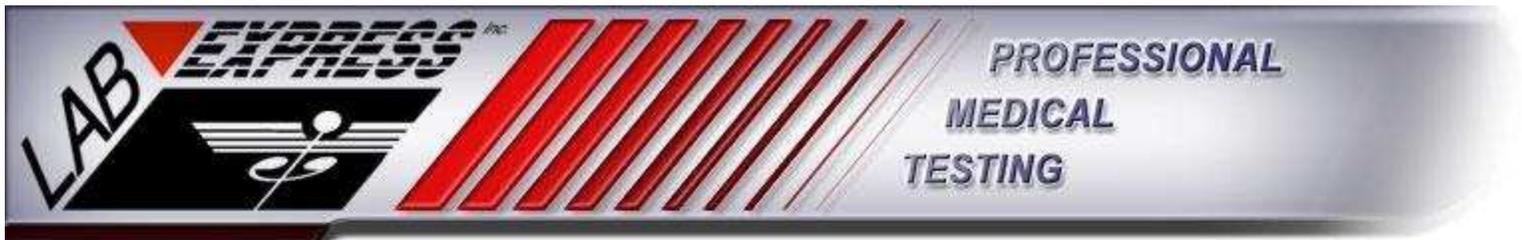
Laboratory should have the correct equipment and certified specialists to analyze the Marijuana.

This will eliminate non-professional people from working out of their garages or out of the back of their trucks. They have this problem in California.

Please do not hesitate to contact me if you have any questions.

Dr. Isaac Farrell

Synergy Laboratories dba Lab Express.



Dr. Isaac Farrell, PhD.
Director
4550 E. Charleston Blvd.
Las Vegas, NV 89104
702-643-LABS (5227) Tel
702-248-6486 Fax
isaac@lxilabs.com
www.lxilabs.com

Robert Summerfield

From: Kathy Gillespie <kathyG@abprint.com>
Sent: Wednesday, April 02, 2014 5:16 PM
To: AmendTitle6
Cc: Kathy Gillespie
Subject: medical marijuana comments
Attachments: Kathy Gillespie.vcf

Planning commission building,, staff recommendations

- Minimum special use permit
 - o 1. Add within 1000' of another medical marijuana dispensary in the city or any school
 - o 2. Should take into consideration intervening obstacles,,, 8-10' high walls are difficult to navigate,, 10 lane freeways cannot be navigated,,,etc
 - o 3. b. B – prefer delete or decrease the width of the right-of-way from 100',, the average traffic lane and street parking lane is 10' -11',, so a 100' wide street is basically 9-10 lanes ??? or fewer lanes with a very large median strip in the middle,,,there are many C-M and M zoned areas where the streets are 4 traffic lanes and parking lanes on each side of the street,, these streets measure 60'- 65',, industrial and manufacturing areas along industrial, procyon, Sirius, valley view, highland, pennwood, westwood, presidio do not measure to 100',,, these locations are all being ruled out because the right of way street is not 100',,, these older industrial areas where there are empty vacant building away from resident areas are perfect for cultivation and production,,,, and these building have been empty and abandoned for a long time,,, MMJ cultivation and production would finally make use of them

Business licensing proposed regulations-

Definitions- page 2- MM dispensary – this does not allow sales to out of state residents,, which SB374 does,, also there are children under 21 who are legal card holders,, need to accommodate them and their families,,,

Section 4. C. SB 374 allows patient and caregivers that hold NV issued cards to give plants to cultivation facilities one time,,, city regs should mirror this,, also does not address caregivers or out of state card holders and the kids,,,

Section 4, D. does not address caregivers or out of state card holders as SB 374 does

Section 5. C. “determine the square footage of cultivation facilities”,, then later limit it to 99 plants,,,, bit of a problem,,, will address later when I comment on the 99 plants

Section 7. 2. Should list EVERY PERSON with any % ownership to 1%

Section 7.3. attempting to limit rent could be viewed as restriction of fair trade,,,in addition,,, the same size building at 25,000 sq. ft., would rent for more dollars per sq. ft. if it is 100% air conditioned vs swamped cooled, would rent for more dollars if it had more electricity coming into the building,, would rent for more dollars if the electrical was 3 phase/480 rather than 110 or 240/3 phase,, building could already be 100% security cameras, building could already have 100% magnetic locks on the doors,,,, general overall condition of the building,, if the building was already fenced in,,,, buildings could rent from between 35 cents per sq ' to 65 cents per sq ' ,, who is going to determine what typical leased space would cost for each building” delete this section,, allow for supply and demand,,,,

Section 7. 4- make the refundable fee substantial,, cut the “men from the boys”,, I suggest \$50 – 75,000 non refundable

Section 8. THIS IS must,, need experience for this biz or it will fail

Section 7. # 12 – this insurance coverage is adequate,,

Section 7. # 20- is this just an initial explanation or is this ongoing,, if ongoing,, how often is it required,,, most plants will be cloned from original and existing mother plants

Section 7.#25. This bond is adequate,,

Section 9. A + B - SB 374 wants a “seed to sale” tracking system,,, consider allowing an entity to own a cultivation and dispensary,,,, best and safest for seed to sale tracking,,,,

Section 11. D. –reduce from 33%,,,, 33% ownership of a business constitutes a monopoly and the entity would have a great influence on pricing,,, possibly keeping the price arbitrarily high instead of affordable,,,

Section 12. E. insurance is adequate,, this is NOT plutonium

Section 13. residency – change 6 months to 6 months and 1 day or even to 1 year,,,,

Section 14 – delete A. what happens if someone dies unexpectedly,,and ownership is detailed in a will or trust,,, how do you close down the cultivation and stop the care of the plants and stop them from growing,,, you cannot let them die ??? supply would then be effected along with pricing,,, for a dispensary,, since a cardholder can only change dispensaries every 30 days,,, they may have to go without their medicine if the dispensary is forced to close and their 30 days is not up,,,, need some accommodation for unexpected ownership changes as in liquor and gaming licenses,,,

Section 15. A-J- Need to ignore the comments at the hearing,,, these people who were convicted of a felony for passions or whatever else,, were operating or handing it illegally,,, they should and must be disqualified,,, how do you trust them now,, under these regulations,, when they operated illegally before,, all of the sudden they are trustworthy ??? keep this section in place as written,, it protects the patient,, and the residents of this state,,,Convicted felons of any kind have no place in this business,, not even as workers,, especially not as owners,,,

Section 17,, line 3,,change the word “may”,,, to “must”,,,

Section 18- 3 security guards are overkill,,, especially with the security cameras and magnetic doors,,,at \$12.50 per hour and benefits of 28% adds over \$100,000 in costs,,, must have 1 with a gun and taser,,,

Section 18. D. H. d. – remove fencing and gates,,, just make it “secure the entire outside perimeter”,,,

Section 18. J. having a separate viewing and purchasing room is a bit ridiculous,,,what is the purpose,,, this could result in long lines and a long wait period for ill people,, people in wheelchairs,, , on canes,,etc,,,

Section 19. P,Q,R,S- you are attempting to over regulate a growing plant,,, facilities cannot be dedicated to 3 types of plants,,, plants based on the same species but different varieties harvest at different times,, like tomatoes,, early girl harvests in 64 days,,, big boy harvests in 85 days,, plants grow at their own pace,,, you are over regulating,,, I have a degree in horticulture,, you cannot control plants,,, section Q is especially going to limit the number of growing plants and increase the cost of the medicine,,, you are forcing the cultivation or 1/3 of the building to cover 100% of the building costs,, rent,, electrical,, labor,, maintenance, etc,,, with only 1/3 of the building generating revenue,, this will limit supply and increase costs,,, dramatically !!!!

Section 19. U- again limiting supply,, let ECON 101,, determine supply and demand,, delete this section,, you are adding to the cost of the medicine

Section 22 E. 7- these are all good requirements,, but the label is going to be larger than the package in some cases,,, need the ability to give a “printed sheet” separate from a label like Walgreens does,,, but require the medicine and the label to be placed in a plastic bag and sealed like Walgreens,,,

Section 22 F. reconsider,,, dispensaries will have product/species no one wants,,, don’t like,,, based on their customers’ needs,,, they need to be able to sell at a discount,,, give away,, whatever,, just being able to sell them to a production facility will result in an oversupply for the production facility,, then the dispensary would have to destroy them and that would increase the cost,,,of the medicine overall to the patients,, think about customer service,,,

Section 23. D. b. -you not try and control my margins,,, supply and demand will govern the price,,,

Section -23. D. g. – delete the hat and sunglasses,,, there are glaucoma patients, cancer patients,, etc,,, who need the sunglasses and hats,,,

Section 23. K. eliminate this section,,,banks will not allow you to open accounts,, so where does the armored vehicle take the money ??,, my home,, a private vault company ??? drive around the block till they run out of gas ??? the average McDonalds does 350 transactions in 1 hour during lunch at \$8.50 per transaction ,, they generate \$2975 in 60 minutes,, the average McDonalds will have more cash on hand than an MMJ dispensary,,,they are NOT required to have their money picked up every day by armored cars,,,

Section – 23. N- reconsider,, eliminates the seed to sale

Section – 25- B –make the penalty fee step,, \$1000 per day,,

Section 28- A – a cultivation facility cannot “cease operation” ,, you cannot stop watering the plants,, fertilizing them,, stop lighting them,, they will die in 10 days and effect the supply and profit,,,

Section 31 – must add,,, inspections during “normal business hours “ or schedule when the “key employee” is present,,,

Section 32- keep this section as is,,,

Section 35- add “during normal business hours”

Section 40 – your killing us with procedures,,, forcing us to virtually hire a CPA or a person with a 4 year degree in accounting,,,lighten these up

Tx for reading,,,

Managing Partner



Kathy Gillespie
A & B Printing
Managing Partner

(702) 731-5888 Work
(702) 499-1298 Mobile
(702) 731-2272 Fax
kathyg@abprint.com
2908 S. Highland Dr
Las Vegas, NV 89109



Information from ESET Smart Security, version of virus signature database 9629 (20140402)

The message was checked by ESET Smart Security.

<http://www.eset.com>

From: David Storrs <storrs90049@gmail.com>
Sent: Thursday, April 17, 2014 9:31 AM
To: AmendTitle6
Subject: Comments and Suggestions on marijuana Ordinance

Suggested Changes to Language for Las Vegas Municipal Code Title 6 - Per Open Comment Period - City Request for Feedback

My name is Dan Lutz. I am a 12-year industry professional having worked to help shape California legislation concerning medical marijuana and fighting in the courts to shape public opinion of the advocacy of Cannabis in general. Thank you for all of your hard work on the Amendment for Title 6. We appreciate the opportunity to comment and provide suggestions to shape the language in a positive direction. In my editing, only Sections with suggested changes appear are documented and appear in **red or are are struck through.**

We also have other proposals that we have prepared to submit and have a requested appointments with Karen Duddleston in order to present POS software tracking solutions and advocacy policy suggestions. Thank you in advance for the opportunity to meet you briefly to discuss them. Please do not hesitate to contact us to discuss any issue pertaining to Medical Marijuana. We are her to assist where ever we can.

**Dan Lutz
South Shore Industries
702.666.1555**

Below is a short version of suggested changes.

SECTION 16 Medical Marijuana Establishment Restrictions

A. Location - Medical Marijuana establishment licenses may not be located in the following:

3. Within another business **NOTE: is defined in the statute as a non-conforming use.**

A) NOC Variance: We will submit a request for variance for the building we have discussed to receive an exception for a related non-public use (such as a Network Operating Center for servicing the industry) providing U-PASS software to the industry as discussed in this proposal.

B) Integrated Wellness Centers

The prohibition set forth in this paragraph shall not apply to:

1. Any sign located on the same lot as the medical marijuana establishment which exists solely for the purpose of identifying the location of the medical marijuana establishment and which otherwise complies with the state regulating authority, the conditions of approval of the license and other applicable city laws and regulations; or

2. Any advertisement contained within online media, a newspaper, magazine, or other periodical of general circulation within the city (and unsolicited media such as of news media video and documentary and education video not controlled by the licensee) The intention is to not end up on the news or any television documentary or series that arbitrarily contains video and such video would be deemed to violate the ordinance.

H: Transportation

7. Wholesale product which is packaged for transport to a dispensary must be individually packaged in tamper-proof and traceable packages ~~of not more than 2 and 1/2 oz. aggregated into packages of not more than 1 pound noting the number of individual packages~~, measuring the total weight out and in with all shipment and tracking information required by the state regulating authority. The volume in a container, being packed determines the tracking weight accuracy.

| Weight | Scale Accuracy |
|-----------------------|-------------------------------------|
| < 1.00 gram | 0.01 gram (100 th /gram) |
| 1.10 to 100.00 grams | 0.10 gram (10 th /gram) |
| 100.1 to 1000.00 gram | 0.5 gram (1/2 gram) |
| 1000.1 > | 1.0 gram |

SECTION 18 Security Requirements.

D. Security Guards –A minimum of ~~three (3)~~ one (1) security guard duly licensed with the State of Nevada shall be onsite at all cultivation and dispensaries at all times, and shall not possess firearms or tasers (may carry mace or pepper spray). A minimum of one (1) security guard shall be required at all edible or infused production facilities. ~~If the marijuana establishment is deemed by its senior staff to have sufficient passive security, such as a biometric finger print system, access controlled doors, and camera system, a security guard will not be needed for that facility.~~

SECTION 19 Cultivation Facility

P. Cultivation facilities may have different areas dedicated to several types of plants phases:

1. Nursery Phase:

A) Plant Starts- By Seeds

Seed Plants are started through the sprouting of seeds.

B) Plant Starts- By Cloning

Cloned Plants are used for cloning a specific strain. Taking cuttings from a “Mother Plant” makes the Plant Starts.

Note: These Mother plants are placed into a continual vegetative cycle and are never harvested. Cuttings are then taken from their branches and then rooted in order to maintain the quality and integrity if a specific strain.

2. Vegging Phase:

Vegetating plants are at a pre-flowering stage. These plants are grown to a certain size prior to proper for their production cycle.

The Veg-By-products at this stage are any of the excess green “Sun Leafs” and branches that are removed to allow for better plant development.

3. Flowering Phase:

The Vegetating Plants are triggered to start flowering phase when the period of darkness is over 12 hours. The Flowering plants will mature over 8 to 16 weeks, and then be harvested. Flowering plant is a full production plant that is harvested for its flowers per a specific stain of plant.

The Flowering-By-products at this stage are any of the excess green “Sun Leafs” and branches that are removed to allow for better plant development.

4. Harvesting Phase:

The flowering plants are determined to be ready to be harvested by the Master Grower. To be made ready for drying, the plants are then cut at their base and excess “Sun leaves” are removed.

The Harvest-By-products at this stage are any of the excess green Sun Leafs, branches, stock, and roots that are removed.

5. Drying Phase:

After harvest, the wet plants are hung to dry in a humidity and temperature-controlled room for a period of 10 to 20 days, until 70% to 90% of the water weight is evaporated.

The Drying-By-products at this stage are any of the excess Sun Leafs, Bud Leafs, and branches that are removed.

6. Trimming Phase:

When the plants are finished drying, they are then taken down from the drying area and taken to the trimming room, where the excess “Bud Leaves” are trimmed from flowers, “Buds”.

The Trimming-By-products at this stage are any of the excess green “Bud Leafs” and branches that are removed.

7. Curing Phase:

This is the final step before packaging for transfer to the dispensaries. The trimmed flowers are cured to prevent mold and allow for the flavor to develop. Although there are other methods, the buds are often placed in a glass jars in a dark, humidity and temperature-controlled room for a period of 10 to 20 days.

Curing-By-products at this phase are negligible, but it is typical to lose an additional 10%-30% of additional water weight loss.

8. Weighting and Packaging

After curing the buds are ready to be weighted, and packaged for shipment. The volume being packed determines the tracking weight accuracy:

| Weight | Scale Accuracy |
|-----------------------|-------------------------------------|
| < 1.00 gram | 0.01 gram (100 th /gram) |
| 1.10 to 100.00 grams | 0.10 gram (10 th /gram) |
| 100.1 to 1000.00 gram | 0.5 gram (1/2 gram) |
| 1000.1 > | 1.0 gram |

X. By-Products

All of the By-Products from the Cultivation Phases can be used to create concentrates, and infused products. All weights must be tracked and any leftover waste material must be disposed of in the appropriate manner.

| | |
|-----------------------|--------------------------------------|
| Veg-By-products | Sun Leafs and branches |
| Flowering-By-products | Sun Leafs and branches |
| Harvest-By-products | Sun Leafs branches, stock, and roots |
| Drying-By-products | Sun Leafs Bud Leafs, and branches |
| Trimming-By-products | Bud Leafs and branches |

~~Mother plants which are plants not harvested for production or dispensary Cultivation by each licensee is limited to 99 plants in the harvestable state at any one licensed cultivation facility.~~ NOTE: The defacto limit of 99 plants comes from a federal sentencing guidelines, which is no longer an issue due to the Federal Government no longer enforcing statutes, against states with their own regulation.

Q. Cultivation production facilities require substantial area to process each of the 8 phases. A cultivation facility must have a plan for the layout of space sufficient to allow for all 8 phases of operation. ~~—may have only one third of the total square footage of the building dedicated to growing any plants~~

R. A physical barrier must be in place to restrict access to the premises including a wall and controlled access gate for vehicular traffic.

S. ~~The maximum amount of space for marijuana cultivation as measured by total building square footage required by the licensee.~~ Applicants must designate on their permit application the size category of the cultivation premises and the amount of actual square footage of their premises that will be designated as plant canopy. Licenses will be allocated with conditions restricting the square feet of the facility for plant canopy. Licenses will be designated in 5000 square foot increments. ~~Conceptually this approach will not assist you with achieving our goal. We would like to meet with your team to consult on this issue. We suggest eliminating the canopy limit and focus your license on a per facility basis and then use a “permit” processes and related canopy fee for every additional 5,000 sq ft. grow. By doing so you do not limit the license and you still meet the original intent of the requirements for your goal.~~

T. The Council may reduce the square footage of any applicant or licensee if:

1. the square footage designation to plant canopy exceeds the maximum of _____ aggregated square feet set for all permits; ~~We would like to meet with your teams in order to discuss ways this objective can be achieved without expensive and intrusive limitations on the licensee.~~
2. The Council determines the proposed facility is not in the interest of the surrounding community;
3. ~~If fifty percent production space used for plant canopy in the licensee’s operating plan is not met by the end of the first year of operation, the Council may reduce the tier of licensure.~~ (What if there was a blight or crop failure... or sabotage for example in a particular growing cycle where the outcome is out of control of the licensee?)

SECTION 21 Independent Testing Laboratories

A. Independent Testing Laboratories meeting certification by the state regulating authority are only allowed to have marijuana onsite in the manner described by the state regulating authority and must have records to prove that all marijuana and marijuana-infused products on site are for testing purposes only. ~~Most of the negative side effects of consumption of marijuana products are attributed to chemicals, molds and pathogens. One other major factor that is most often over looked is heavy metals. One of the top selling hydroponic nutrients was independently tested for heavy metals and found to contain 50 times higher amounts than was printed on their label. Testing for high concentrations of heavy metals should be mandatory.~~

SECTION 23 Dispensary.

A marijuana dispensary license allows the licensee to sell ~~only prepackaged~~ usable marijuana, edible marijuana products and approved ancillary marijuana paraphernalia at retail to state regulating authority designated medical marijuana card holders. ~~NOTE: A buyer cannot determine the quality of the product for purchase if they cannot open it. Most patients have the ability to determine the type that works best for them by the smell.~~

~~Apothecary style of distribution allows for the personal touch from wellness workers to suggest what their patients. The tracking of products can still be managed by tight controls.~~

A. Edible Products. ~~No marijuana-infused products requiring refrigeration or hot holding or considered potentially hazardous food shall be dispensed, sold or distributed. NOTE: Quality and shelf life of some products are maintained through refrigeration.~~

~~There is no need to restrict the industry from developing in the direction it has been over the last 10 years.~~

D. Prohibited Activities. The following activities are prohibited:

1. Any off-premise video, media, broadcasting or electronic solicitation for promotional advertising;
2. The selling of products below their acquisition costs.
3. The giving of free samples or free product to any person, employee or customer (with the exception of authorized loyalty point program);

4. The opening of any package of retail marijuana or marijuana-infused product;
5. A drive-thru or walk-up window for transactions or product transfer;
6. A dispensary shall not dispense or distribute, sell, transfer or in any other way provide marijuana other than by direct, face-to face, in-person transaction with patient or caregiver at the licensed facility. Marijuana shall not be provided by any other means of delivery including:
 - i. Internet sales;
 - ii. Transport, mail ~~or private delivery of product;~~
7. Entering a dispensary with hats, sunglasses or face obscuring accessories. Prior to being allowed to enter any secured area of the facility, all customers must remove all face obscuring accessories;
8. No employee shall be paid for services in the form of marijuana product;
9. No physician or medical person making recommendations for medical marijuana may be located within a dispensary, ~~except where another conforming use is permitted;~~
10. A dispensary is prohibited from referring customers to medical personnel for the express purpose of securing a medical marijuana referral to obtain a state issued medical marijuana card;
11. ~~Reward programs, customer loyalty programs, promotional activities, or~~ the offer of free or discounted product to any customer or employee;
12. Giveaways, coupons or distribution of branded merchandise.
13. ~~No merchandise may be produced or endorsed by any medical marijuana establishment or allow any approved logo or business name to be used on merchandise.~~
14. The display on any product in any manner visible to the general public from the right of way or outside of the facility.
15. ~~Off-site delivery of product by licensee is prohibited.~~ What about delivery to caregivers and ambulatory patients? All sales and distribution of medical marijuana by a licensed medical marijuana dispensary shall occur only upon the licensed premise, and the licensee shall be strictly prohibited from delivering medical marijuana to any person at any other location.

SECTION 24 Modification of the premises.

Any modification of the premises of a medical marijuana establishment shall be filed 60 days in advance of any proposed construction. A full and complete copy of all architectural and building plans shall be filed with the Director for a review of compliance with this chapter. The Director shall review the plans and approve any modifications in compliance with this chapter prior to the commencing of any construction of modifications. **NOTE: It is important to allow this process to be expedited in order to prevent un-due delays in approvals. A simple plan review and building permit should be considered.**

Robert Summerfield

From: Lynn Ratcliffe <lratcliffe@embarqmail.com>
Sent: Tuesday, April 22, 2014 5:50 PM
To: AmendTitle6
Subject: Medical Marijuana

While I have no problem with medical marijuana being legalized, I am very allergic to marijuana. I would like to see "marijuana free zones" similar to "no smoking areas". Otherwise, I will be very limited in my access to places and events in Las Vegas.

Lynn Ratcliffe

lratcliffe@embarqmail.com

3628 Chateau Meadow Street
Las Vegas, NV 89129
702-655-3128

Robert Summerfield

From: Mona Lisa <monalisaloveslife@gmail.com>
Sent: Wednesday, April 23, 2014 3:01 PM
To: AmendTitle6
Subject: Medical Marijuana Regulations Require Additional Input!

My name is Mona Lisa Samuelson, I've lived in Nevada for over 25 years, the last 15, right here in the city of Las Vegas.

As a legitimate card-carrying medical marijuana patient I am so pleased that after 13 years since voters enacted the medical marijuana program, the city of Las Vegas is finally moving forward to provide its citizens the services required by those who choose marijuana as their safer alternative to pharmaceutical drugs...

But after thoroughly reading over the proposed regulations... I've got to tell you: I'm mad as HELL!

These regulations don't make it better, safer, or more legitimate of a program for actual medical marijuana users... Rather, the opposite!

Let's begin by addressing the issue of cultivation. The FIRST thing medical marijuana patients learn is that it's the cannabinoids IN marijuana that make it so medicinal. Differing levels and concentrations affect different maladies...So, in section 19 on page 16... where it specifies that ALL marijuana must be grown INDOORS, within rigid opaque walls...these regulations even specify a ROOF! Well, what this means to medical marijuana patients is very simple: There will be certain types of medication that will NEVER be legally available to us, as consumers and patients.

Now HOW is THAT helping us?! You are literally regulating some very sick medical patients out of the system, entirely. You ARE in effect, regulating them to death!

Now, if that weren't bad enough...These regulations are clearly structured under the assumption that **most** medical marijuana patients smoke their medicine...and that is completely short-sighted! Look, if I could smoke an orange and get high, I might try it...but I certainly wouldn't smoke an orange to extract it's vitamin c in order to combat illness... I want you to know that it's the same with marijuana!

Smoking cannabis IS the quickest and easiest way to alleviate painful symptoms but it isn't long-lasting, nor does smoking your plant provide the same level of healing and good health! So, to base these regulations primarily upon the consumption of the plants' flowered buds literally turns the tables on patients like me...Making it harder, more expensive, and even less effective than the program already was! HOW DISHEARTENING!!!

We have patiently waited all these years and there are THOUSANDS of us who suffer, and can be medically helped by cannabis, but I am here to tell you that, as written, these regulations you've handed out are BAD NEWS for EVERYONE!

Lets look at section 22 page 18 and 19, regarding Edible Products and Facilities: In paragraph D you've laid out very specifically what can and cannot be sold as edible medicines...No products requiring refrigeration? No alcohol content? You don't allow for any kind of beverages and you disqualify ALL forms of medicinal butter, oils, and extracts in their natural form. FORCING patients to purchase individual brownies, cookies, and candy, which you aren't even allowed to view through the package to SEE if it's something you'd want to eat.

These restrictions are COMPLETELY counter-intuitive, counter-productive and downright wrong. This WILL cost medical patients their health! YOU ARE, QUITE LITERALLY, REGULATING US TO DEATH!!!

And before I close. I want to make it clear that I've been to these City Hall Meetings because I think it's very important we ALL get a better understanding of what these regulations mean and although I am thrilled to finally see some real progress with the city attempting to move forward and assist their sickest and most vulnerable citizens by backing the legislature we demanded over 13 years ago... I am appalled at HOW these regulations were written!

According to what I've read... it all boils down to ONE PERSON... That person is referred to in this packet as "The Director", and it is at their sole discretion to distinguish the legitimacy and compliance of all those who wish to participate in the Medical Marijuana Industry. That is ABSURD! I think we've all heard the saying, "Absolute power corrupts absolutely." So as a RESPONSIBLE citizen... I respectfully demand we create a commission of five to replace the seat of the one, sole Director!

And lastly... I've saved the best for last because really... If you ask me, it's obvious the intent of these regulations when you read this section in particular: Section 12 Paragraph G Hold Harmless and Bond...

Here we see that after all is said and done, The City of Las Vegas will effectively make at least another 20 million dollars when the feds come in. Because although these regulations are supposed to protect us, as patients AND as people, they specifically include verbage which directly ties them to federal legality, Using words like "in respect to federal law" essentially makes EVERYTHING about these businesses illegal and without ANY protection from your State, as clearly demonstrated in this packet... We can glean the true intent of this legislation.

It has NOTHING to do with helping your community, or doing things correctly. So far you've only managed to show a severe lack of insight and a HUGE desire to make money off of those who will not or CAN NOT stand up for themselves.

And that's why I'm here today, too.

I want you ALL to know there IS a community of GOOD people who come together to help the sick injured and dying not as a business, but as patients...medical marijuana patients who are not involved in trying to sell you anything or do anything illegal. We are here because we KNOW the value of marijuana as medicine and if we don't all work together, these regulations are going to hurt us, immensely.

Thank you for your time and if I can be of ANY service please contact me. I am here to help!

Mona Lisa Samuelson

(702) 324-4107

Robert Summerfield

From: corvettestar23@aol.com
Sent: Wednesday, April 23, 2014 6:19 PM
To: AmendTitle6
Subject: Draft Regulations/ ammendant suggestions

To the Council and Planning Commission,

Instead of going through the whole set of draft regulations, I will sum it up with many patients concerns.

Fees : Keep in mind that all additional fees, taxes and added unreasonable cost will be paid for by the patient. The proposed 8 % tax will bring the total tax to 18% with the states sales tax and 2% to fund the program, This is not recreational marijuana ! It is medicine for patients. A time will come for the higher tax when recreational marijuana becomes law. Just like Colorado. The objective here is to create safe affordable medicine of a good quality for patients. If you must add a tax keep it at about 2% to fund your program.

Sec. 4 Para. C It shall be unlawful for any MME to accept for sale any Marijuana from any person who has not obtained a MME certificate, / Patients can sell clones seedlings or marijuana to a MME one time per SB374 in fact this is the only legal place for a MME to obtain their clones, bringing them from another state will violate federal law

Sec. 5 Para. C limiting the number of cultivation sites as well as the square footage and plant limits, your dispensaries will not be able to sustain inventory for patients needs. As the city will most likely cater to the reciprocity patients that number is 2.4 million in the US alone

Sec, 19 Para. I, packaging of only 2.5 ozs ./ State say batches tested up to 5 lbs of useable flowers to a dispensary and up to 15 lbs of usable cannabis for production, size Packaging and labels other than testing results label and lot and batch information should be left to dispensaries and production facilities. As patients needs will vary from one to another.

Sec. 19 Para P line 1 Mature or harvestable plants which will be harvested in 30 days./ 453A defines mature plant as a plant in flower stage, plant stage for flowering is 60 to 80 days for most cannabis, at 30 days the plant is not usable for anything.

Sec. 19 Para Q, A cultivation facility may only use 1/3 of its total sq footage dedicated to growing plants./ Growing plants is what a cultivation is for, yes there are other rooms needed but the growing of plants is not done in 1 big room plants at different stages need different lighting cycles as well as a mother plant and quarantine rooms.

Sec. 19 Para. V why does tested approved medical cannabis ready for sale to a dispensary or production facility need to be quarantined for 24 hours

Sec 22 Para. 7, line I , labeling/ The name and address of the cultivation center where the items were manufactured/ is letting the public know just where this establishment is located and could lead to a crime being committed

Sec. 39 Fees : the way you have it set up is if I need 5000 sq ft of growing canopy I would need to have a 15000 sq ft building and pay licensing fees of \$60,000, this is 20 times the state licensing fee for a cultivation facility plus 7% of gross sales tax and 1% of gross community benefit fee. Making the taxes paid to state, county and city on a say \$3000 a pound wholesale at \$540, \$240 of which the city is charging Licensing fees and taxes should reflect the state 8% sales tax and the county's additional 2% tax so that it is the same in all jurisdictions. As well as other operating cost. All of these taxes and fees will be reflected on the final retail price and paid for by the patients whom this law was

designed for. Creating not only the most regulated program in the country but also the most expensive medical cannabis in the country forcing low income and patients on fix incomes back into the black market, creating crime that this law is suppose to fix and create safe access for patients in need. Not to create government cartels to reap in profits.

Vestigial integration is the best model creating less of a chance for diversion, and keeping cultivation and production in the same building is safer as less transferring from one building to another, these transfers would be tracked by video as well as the seed to sale tracking of the medicine.

Security guards 3 guards 24/7 results in 9 full time employees a cost of about \$360,000 a year which will be absorb by the patient we think with all other security measures that 1 security guard 24/7 would be adequate.

Sec 15 line A Convictions : State law says with in 10 years ,
City say not with standing the passage of time. This could leave those that have the most knowledge about medical marijuana and its uses out as key employees: ie; busted for a small amount of marijuana in college.

Sec 23 Para D line 15 Transportation of medicine ie; delivery should be allowed as some patients are bed ridden and can not travel to a dispensary.

Thank You

Mike Higgins /patient and advocate

Robert Summerfield

From: Harrison Gale <harry.gale@gmail.com>
Sent: Thursday, April 24, 2014 11:47 AM
To: AmendTitle6
Subject: Proposed Amendments to Title6

To whom it may concern,
Please see the attached recommendations for improvements to the proposed Amendments to Title 6.

All the best,
Harrison Gale

Recommendations for Business Licensing
Regarding Medical Marijuana Establishments

1. Problem: Draft regulations as written do not allow for vertical integration of cultivation and dispensary facilities. This unnecessarily compromises the security of the medicine and personnel charged with transporting it while increasing the cost of medicine to patients.
 - a. Recommendation: Follow state guidelines that allow for common ownership, management, and location of cultivation, production, and dispensary facilities providing that all security requirements for surveillance, access control, and record keeping remain in place and are adhered to.

| | |
|------------|---|
| Section 2 | Amend the definition of Marijuana Cultivation Facility, Facility of the Production of Edible Marijuana Products, and Medical Marijuana dispensary to remove the word “stand-alone” |
| Section 9 | <ol style="list-style-type: none"> A. Any entity and/or principal within any entity are limited to no more than <i>three</i> medical marijuana establishment applications B. Remove this section C. Remove the first sentence. |
| Section 19 | E. Remove the word “standalone” |
| Section 23 | N. Remove this section. |

2. Problem: Imposing limits on the amount of cultivation will constrain the supply and artificially raise the price of medicine to patients.
 - a. Recommendation: Let market forces determine the quantity of medical marijuana produced. This will allow patients to get the highest quality medicine at the best price.

| | |
|------------|--|
| Section 19 | P. c. Remove “Cultivation by each licensee is limited to 99 plants in the harvestable state at any one licensed cultivation facility.” |
| Section 19 | Q. Amend this section to read “A cultivation facility may have only three-quarters of the total square footage of the building dedicated to growing any plants.” |

3. Security personnel requirements are both unreasonably costly and unfortunately inadequate as currently written. Requiring three security guards on site *at all times* represents a cost of between \$500,000 and \$650,000 per year that will be passed down to the patients. The fact that they must be unarmed, without even a Taser, means they are unable to properly defend themselves should a crisis situation emerge.
 - a. Recommendations: Security guards should allowed to carry tasers at all times. Either remove the requirement that three security guards be on site *at all times* or allow them to carry firearms outside of normal hours of operation. If someone were to conduct a smash-and-grab burglary in the middle of the night, knowing that alarms will be immediately activated and that the entire facility is under surveillance, security personnel would be reasonable in assuming that their life is in imminent peril and should be allowed to respond accordingly.

| | |
|------------|--|
| Section 18 | D. Amend this section to read “A minimum of one security guard, duly licensed with the state of Nevada, shall be onsite at all cultivation, dispensaries, and edible or infused production facilities at all times and shall not possess a firearm during hours of operation.” |
|------------|--|

4. Problem: Draft regulations make it impossible for a disabled or movement-impaired patient to receive his or her prescribed medicine without overburdening caregivers.
 - a. Recommendation: Allow delivery to patients after they have had their medical marijuana card validated during an initial face-to-face visit at the licensed facility and thereafter had their identity verified by phone prior to scheduling delivery.

| | |
|------------|---|
| Section 16 | H. Add “Medical Marijuana Dispensaries can transport medical marijuana to verified patients” |
| Section 23 | D. f. should be amended to read: “A dispensary shall not dispense or distribute, sell, transfer or in any other way provide marijuana without first performing a direct, face-to-face transaction at the licensed facility. Dispensaries may deliver to patients upon verification of identity and in compliance with all other rules regarding the transportation of medical marijuana.” And subsections I and II should be removed. |

Please see below for a complete list of recommendations:

| | |
|------------|--|
| Sec. 2 | |
| | Amend the definition of Marijuana Cultivation Facility, Facility of the Production of Edible Marijuana Products, and Medical Marijuana dispensary to remove the word “stand-alone” |
| | Vertical integration should be allowed for reasons of security, economy, and quality assurance. |
| Sec. 4 | |
| | E. MME dispensaries should be considered like pharmacies and be allowed similar hours of operation. Las Vegas is a 3 shift city. If they are not allowed 24 hours/day, they should at least be able to remain open until 12:00 AM. |
| | |
| Sec. 7 | |
| | 3. A lease agreement where rent is based on a percentage of profits should not constitute beneficial ownership |
| | 24. Can NOT be in conformity with federal laws as Marijuana is still a schedule 1 controlled substance. The acknowledgement should acknowledge this and agree to follow all guidance from the DOJ regarding this matter and in compliance of local laws and regulations. |
| | |
| Sec. 9 | |
| | <ul style="list-style-type: none"> A. Any entity and/or principal within any entity are limited to no more than <i>three</i> medical marijuana establishment applications B. Remove this section C. Remove the first sentence. |
| | |
| Sec. 14 | |
| | A. Amend this to read “Before an additional person gains ownership interest greater than 5% of the medical marijuana establishment.” |
| | MMEs should be allowed to give small pieces of equity to key employees. |
| | |
| | |

| | |
|-------------|---|
| Sec. 16 | |
| | D. 4 + 5 must be removed because they place an undue burden on interpersonal communication that could be in violation of the first amendment. |
| | H. Add "Medical Marijuana Dispensaries may transport medical marijuana to verified patients" |
| Sec 18. | |
| | D. This should read "'A minimum of one security guard, duly licensed with the state of Nevada, shall be onsite at all cultivation, dispensaries, and edible or infused production facilities at all times and shall not possess a firearm during hours of operation." |
| Sec 19. | |
| | E. Remove the word "standalone". |
| | P. There should be 4 allowable areas (Mature [flowering growth phase] plants, Immature [vegetative growth phase] plants, seedlings/clones, and mother plants). |
| | P. c. Remove "Cultivation by each licensee is limited to 99 plants in the harvestable state at any one licensed cultivation facility." |
| | Q. Amend this section to read "A cultivation facility may have only three-quarters of the total square footage of the building dedicated to growing any plants." |
| | S. Remove S. |
| | T. Remove T. Do not attempt to control the total quantity of medical marijuana produced. Let market forces determine that. |
| | V. Remove the quarantine period. |
| Sec. 20. | |
| | Remove Section 20. |
| Sec. 22. | |
| | B. 2. Remove the words "solvents or gases" It is directly contradictory with section 1 and the later parts of this section as dairy butter and oils are also solvents. |
| | B. 3. Remove section 3. Patients should be able to have access to easily inhalable medicine without having to smoke large quantities of plant matter. |
| | D. 3 + 4. Remove section 4. Replace with "Packaging should be child-resistant" |

| | |
|-------------|---|
| | and clearly labeled as "Not For children" |
| | F. Remove section F. This does not belong here. |
| | |
| Sec. 23. | A. e. Remove section e. Patients should be able to ingest medicine without smoking plant matter and irrespective of any food sensitivities. Ingestion and inhalation of medical marijuana extracts represent viable delivery mechanisms and should not be forbidden. |
| | D. f. should be amended to read: "A dispensary shall not dispense or distribute, sell, transfer or in any other way provide marijuana without first performing a direct, face-to-face transaction at the licensed facility. Dispensaries may deliver to patients upon verification of identity and in compliance with all other rules regarding the transportation of medical marijuana." And subsections I and II should be removed. |
| | D. k. Remove sections k, l, m and o. |
| | J. This requires a provision by which dispensaries can submit patients with valid medical marijuana licenses from other states into the electronic verification system pursuant to NRS 453A.364 |
| | J. If the state's electronic verification system is not operational, patients should be required to submit an affidavit before sale can commence. |
| | K. Armored vehicle transport every day should not be required. |
| | M. Hours of operation should go until 12:00 AM and allow for 24 hour delivery service |
| | N. Remove section N. |
| | |
| Sec 28. | |
| | A. The business should have a sixty (60) day period to continue operation before it must be either issued a new certificate by the state regulating authority and acquire a new license from the city or cease all sales. |

Robert Summerfield

From: Jerri Hunsaker <jhunsaker@blacklobellolaw.com>
Sent: Thursday, April 24, 2014 6:36 PM
To: AmendTitle6
Cc: Tisha Black-Chernine; Martina Jaccarino
Subject: Medical Marijuana commentary from Black & LoBello

To Whom It May Concern,

Please accept the attached correspondence from Tisha Black Chernine, Esq., on behalf of Black & LoBello, with respect to the proposed regulations for the City of Las Vegas' medical marijuana program.

Should you have any trouble with the delivery of this enclosure, please feel free to contact our office via telephone at (702) 869-8801.

Thank you,

Jerri Hunsaker
Legal Assistant to Steven J. Mack, Esq.
and Martina L. Jaccarino, Esq.



10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Ph: 702.869.8801
Fax: 702.869.2669

jhunsaker@blacklobellolaw.com

Visit us at our improved Website at www.blacklobellolaw.com

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TISHA BLACK CHERNINE
MICHELE T. LOBELLO
JOHN D. JONES*

S. DON BENNION
MICHAEL J. RYAN

*NEVADA BOARD CERTIFIED FAMILY LAW SPECIALIST



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MICHAEL LI
STEVEN MACK
JEFFREY J. WHITEHEAD ^

* ALSO LICENSED IN CALIFORNIA
* OF COUNSEL
^ ALSO LICENSED IN NEW YORK, ARIZONA & COLORADO

April 24, 2014

Las Vegas City Council
Las Vegas Ordinance Regulating
495 S. Main Street
Las Vegas, NV 89101

Re: *Medical Marijuana*

Dear Council Members:

Nevada's Medical Marijuana Program has the primary purpose of providing quality care to patients under a reasonable scheme of regulation. Jurisdictions that participate in Nevada's Medical Marijuana Program must support regulations that do not penalize patients for seeking a viable medical alternative to chronic conditions that marijuana may treat. Patient availability must be balanced with scientifically based measures to control quality and consistency of the product, while keeping cost control in mind for the good of the patients and owners of medical establishments. In addition, the regulations of local jurisdictions must be viable for businesses, and the license process certain, so that reputable business people who have the resources to embrace the most advanced security measures will be and stay involved. Safety, patient care and economic viability are all essential to the success of this industry.

ANALYSIS OF PROPOSED MEDICAL MARIJUANA ORDINANCES

After careful review of the Proposed Ordinance of the City of Las Vegas as well as the public comments, the law firm of Black & LoBello hereby submits the following:

Establishment Application Process

Black & LoBello supports the need for an extremely thorough investigation of all potential licensees and stakeholders. Nevada's interest is served by vetting all aspects of the applicants' background to ensure that only reputable, financially stable business people are involved in this controversial industry. However, given the significant financial investment being made by owners, any provisions that create ambiguity with regard to the renewal of the license can be damaging to the program.

Part 1

S. 7, Item 24 requires that the applicant certify that what he or she is doing is in compliance with Federal law. This certification is reaffirmed every year when the applicants affirm that nothing has changed.

As written, this item has an internal contradiction given the state of federal law. Additionally, the applicant must affirm that every statement in the initial application and/or application for renewal is true.

Part 2

S. 12(G) Requires a \$500,000.00 bond to back-up a hold harmless agreement with the City.

This bond should be decreased to \$100,000.00 because the city and its employees enjoy immunity for any damages over \$100,000.00 pursuant to Nevada law. NRS 41.035, the applicable statute states that an award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the State *or any political subdivision*, immune contractor or State Legislator arising out of an act or omission within the scope of the person's public duties or employment, may not exceed the sum of \$100,000, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant.

Nev. Rev. Stat. Ann. § 41.035 (West) (Emphasis added)

Additionally, if the city mandates that it be added to the required liability insurance, as outlined in S12(E), a bond is duplicative and represents an unnecessary expense.

S. 14(B) If a licensed establishment changes location or changes percentage of ownership it must cease doing business and re-apply for a City of Las Vegas License.

This provision could have devastating consequences for existing investors. Black & LoBello suggests that a provision permitting the existing licensed establishment to request pre-approval of changes in ownership or location proposals.

S. 15(E) A licensed establishment can have its license revoked if there is current or prior involvement with . . . “nuisance creating operations.”

A revocation is a reasonable response to current involvement with criminal operations, but “nuisance creating operations” is a patently vague category. This ambiguity could have devastating consequences for all owners and investors. Additionally, given the fact that serious investors need to support these operations for them to succeed and to be in compliance with the ordinance, the owners need assurance that their license will not be revoked unless a specific change occurs that would have disqualified their application at the outset. Examples include conviction of an excluded offense, evidence of diversion, etc. We suggest that a clear and unambiguous list be compiled and that the following language be added to the section:

Absent clear and convincing evidence that a medical marijuana establishment licensee is in violation of this section, the license of the medical marijuana establishment licensee must be renewed.

This language is crucial for the continuation of the medical program because, to meet or exceed the standards of quality assurance and security the program requires, would entail investment of millions of dollars. It is not reasonable to expect investors to risk that type of investment without a clearly defined, reasonable expectation that the license will be renewed. A reasonably cautious investor will demand

some assurance that his establishment will not need to go through another ranking process every year or risk losing his or her license for arbitrary reasons.

Physical Plant

As stated above and reiterated below, we must strive to maintain the tightest security and the most efficient operations in the country. With that in mind, the specifications surrounding building size and establishment locations should be clarified to ensure that the size is never capped, and that there is no unnecessary movement of controlled medication from facility to facility.

S.18(D) MMEs must have three security guards on site who are responsible for compliance with all laws.

This section is overly broad. The licensees will be highly motivated to protect their investment. As a result, they will accomplish this in the manner that is most effective for their business. The public is best served by having security guards who are experts in the most state-of-the-art security systems. Security teams must be responsible for compliance with security and transportation laws, regulations, and ordinances, not other laws and regulations. The current language should be interpreted to mean that security guards are responsible for monitoring services, sizes, or quarantine procedures, which would be an absurd result

Restrictions on Cultivation Stability

At present, there is no cap on the size of cultivation facilities, which is appropriate. The business owner/operator should have the freedom to meet the requirements of the law in the manner that they find to be most efficient and effective.

S. 19 (Q) mandates that only 1/3 of the cultivation facility be used for actual cultivation.

Having made a substantial investment, the licensees are going to be highly motivated to run the facility as safely and securely as possible to protect their investment. They will also need to be able to run the facility as efficiently as possible to protect their profits, or the business will not be able to sustain itself. This arbitrary language does not serve a legitimate business purpose and will ultimately serve to drive up the patient's cost of medicine.

S. 19 (S) The city will determine how many square feet of a proposed location can be used for cultivation.

This section adds an additional burden on city employees to make business decisions about the use of space in a highly specialized industry. The licensees who are heavily invested in the industry will naturally do everything they can to maximize efficiency while preventing against decreasing quality and consistency.

S. 19 (T) The city may reduce the square footage permitted to be cultivated during the renewal process.

Subpart 2 permits the council to reduce the square footage if the facility is not in the best interest of the community. This standard is too vague and gives the council too much discretion, and should be in the control of the owner. The facility that meets the requirements of the ordinance, regulations and laws of the city and the state should have a neutral impact on the neighborhood. However, neighborhoods often change over time and the cause of that change can be multi-faceted. To have the licensees vulnerable to having the value of their investment decreased may have a chilling effect on inviting the type of serious, cautious investors needed to make the medical program work.

Subpart 3's requirement that 50% of the allotted square footage actually be used for cultivation is likewise an unnecessary burden because licensees will be motivated to utilize every square inch possible for cultivation to increase efficiency and profitability. However, if a devastating event occurs that damages a batch of the product, the owners should not be in fear of losing the entire investment.

S.19 (V) 24-hour quarantine location

This issue should also be relegated to industry experts who want to maximize their profits by maintaining the highest possible quality and protecting their brand. Some cultivators may choose to quarantine individual plants by wrapping or have another alternative that will not unnecessarily take square footage away from cultivation.

S. 23(N) Co-location of a dispensary and cultivation or dispensary and production is not allowed.

This section should be amended so that if one entity holds multiple licenses, for example cultivation, dispensing and production, these facilities can be located in one large building with appropriate security measures. Separating business functions amplifies the cost of operations and the likelihood that those costs will be passed on, thereby increasing the cost of the medicine. In addition, security is enhanced by multiple licensed operations being housed in one location. If one entity holds all three licenses, every employee who handles the product works for the same employer, which makes tracking easier, less costly and more reliable. This decreases the risk of ancillary crime outside the encompassed facilities and makes diversion very difficult. Further, the requirement of separate buildings does not seem to have any public health or safety benefit.

Extractions, Infusions and Edible Products

The science mirrors the patient testimonials in the area of infusions, extracts and consumable products. The vast majority of medicinal needs are best addressed with extractions from the marijuana plant, as opposed to the flowers and buds. Lotions and salves are the best delivery system for that medication, as well as liquids and hard candies. Clearly, the issue of child safety and prevention of accidental ingestion is of the utmost importance, but that interest must be balanced with the needs of the patients. Patients must be educated on safe handling, as they are with other medications, and childproof packaging requirements should apply to all medical marijuana products as they apply to all prescription medications. By treating medical marijuana products, including salves, lotions and sauces, in the same

manner as we treat other prescribed medications, the program can guard against accidental ingestion while normalizing medical marijuana's role in the lives of patients and their families.

Childproof Packaging

Black & LoBello fully supports the requirement for child resistant packaging as outlined in Title 16 C.F.R. Section 1700 of the Poison Prevention Packaging Act as the standard. If a customer requests packaging that is easier to open, the establishment might have the discretion to meet that request, as is the case with any pharmacy packaging. Best practice would require that the owner document the request. Finally, child resistant packaging should be mandated, without customer discretion, on edible marijuana products because these products pose the added risk of being particularly attractive to children.

S. 16 (D) and S. 23 (I) Advertising limitations do not permit web-sites or off-premises signage.

On a practical level, the severe limitation on signage and internet advertising could have the effect of making it difficult for patients to locate a dispensary that carries the product that he or she needs. The medical marijuana variations are endless because different genetic strains produce various cannabinoids that work differently with the body. Further, alternative methods of extractions, combined with different processing, impact the body in various ways. Without clear signage, patients may literally have difficulty finding the correct dispensary for the medicine they require. Further, without internet research regarding the products available and the specific strain recommended for them, patients or their caregiver may be forced to physically travel to many different dispensaries in order to purchase the needed medicine.

On a deeper level, the severity of the restrictions on advertising perpetuates the stigma of illegality. Of course, signs that show enlarged marijuana leaves and promote the euphoric effect of Tetrahydrocannabinol, or THC, should be prohibited because this type of advertising marginalizes the medicinal value of marijuana plants. The goal of Las Vegas' Medical Marijuana Program, and the related Nevada programs must strive to educate not only the patients, but also the public regarding the medicinal value of cannabinoids and the various medical uses of marijuana. If we continue to keep marijuana in the shadows, the public cannot be expected to understand and accept its medical uses.

We thank you for your consideration of these comments and the opportunity to participate in the development of this important medical program.

Respectfully,
BLACK & LOBELLO

A handwritten signature in black ink, appearing to read 'Tisha Black-Chernine', written in a cursive style.

Tisha Black-Chernine, Esq.

TXT-52502 Part 2 (Business Licensing Regulations for Medical Marijuana Establishments) BIS Report for Online Responses

Initial Report

Last Modified: 04/28/2014

1. Please provide us with the following information:

| Business Name | License Number |
|------------------------|----------------|
| South Shore Industries | E0445042012-9 |
| Uplift MMD | TBD |

2. Please provide your comments or arguments regarding the proposed business licensing regulations for Medical Marijuana Establishments:

| Text Response |
|---|
| Dan Lutz - South Shore Industries, Incorporated 702.666.1555 See Attached File |
| Hello, our comment is specifically regarding section 23, Section A, sub paragraph e. "A dispensary may not sell or distribute extracts that are not infused in products. A marijuana extract does not meet the definition of a marijuana-infused allowed product" According to NRS 453A.112, oils and topicals are considered under the definition of a marijuana-infused product, and we believe this section is unnecessarily more strict than the state requirement. Also with reference to paragraph A, and the requirement no product requiring refrigeration is allowable; we feel this is once again more strict than the state requirement, as there are infused products like butter, that are more convenient for patients to consume than inhaling. Thank you for your consideration |

| Statistic | Value |
|-----------------|-------|
| Total Responses | 2 |

3. If you have data that you wish to submit regarding the proposed business licensing regulations for Medical Marijuana Establishments please upload that here:

| File Upload | File Type | File Size |
|------------------|--------------------|-----------|
| F_9tAMlhj4hn01dX | application/msword | 70.2KB |

| Statistic | Value |
|-----------------|-------|
| Total Responses | 1 |

Suggested Changes to Language for Las Vegas Municipal Code Title 6 - Per Open Comment Period - City Request for Feedback

Only Sections with Suggested Changes Appear – Suggestions in Red

SECTION 16 Medical Marijuana Establishment Restrictions

A. Location - Medical Marijuana establishment licenses may not be located in the following:

3. Within another business **NOTE: is defined in the statute as a non-conforming use.**

A) NOC Variance: We will submit a request for variance for the building we have discussed to receive an exception for a related non-public use (such as a Network Operating Center for servicing the industry) providing U-PASS software to the industry as discussed in this proposal.

B) Integrated Wellness Centers

The prohibition set forth in this paragraph shall not apply to:

1. Any sign located on the same lot as the medical marijuana establishment which exists solely for the purpose of identifying the location of the medical marijuana establishment and which otherwise complies with the state regulating authority, the conditions of approval of the license and other applicable city laws and regulations; or

2. Any advertisement contained within online media, a newspaper, magazine, or other periodical of general circulation within the city **(and unsolicited media such as of news media video and documentary and education video not controlled by the licensee)** The intention is to not end up on the news or any **television documentary or series that arbitrarily contains video and such video would be deemed to violate the ordinance.**

H: Transportation

7. Wholesale product which is packaged for transport to a dispensary must be individually packaged in tamper-proof and traceable packages **of not more than 2 and ½ oz. aggregated into packages of not more than 1 pound noting the number of individual packages,** measuring the **total weight out and in with all shipment and tracking** information required by the state regulating authority. **The volume in a container, being packed determines the tracking weight accuracy.**

| Weight | Scale Accuracy |
|-----------------------|-------------------------------------|
| < 1.00 gram | 0.01 gram (100 th /gram) |
| 1.10 to 100.00 grams | 0.10 gram (10 th /gram) |
| 100.1 to 1000.00 gram | 0.5 gram (1/2 gram) |
| 1000.1 > | 1.0 gram |

SECTION 18 Security Requirements.

D. Security Guards –A minimum **of three (3) one (1)** security guard duly licensed with the State of Nevada shall be onsite at all cultivation and dispensaries at all times, and shall not possess firearms or tasers **(may carry mace or pepper spray)**. A minimum of one (1) security guard shall be required at all edible or infused production facilities. **If the marijuana establishment is deemed by its senior staff to have**

sufficient passive security, such as a biometric finger print system, access controlled doors, and camera system, a security guard will not be needed for that facility.

SECTION 19 Cultivation Facility

P. Cultivation facilities may have different areas dedicated to several types of plants phases:

1. Nursery Phase:

A) Plant Starts- By Seeds

Seed Plants are started through the sprouting of seeds.

B) Plant Starts- By Cloning

Cloned Plants are used for cloning a specific strain. Taking cuttings from a "Mother Plant" makes the Plant Starts.

Note: These Mother plants are placed into a continual vegetative cycle and are never harvested. Cuttings are then taken from their branches and then rooted in order to maintain the quality and integrity if a specific strain.

2. Vegging Phase:

Vegetating plants are at a pre-flowering stage. These plants are grown to a certain size prior to proper for their production cycle.

The Veg-By-products at this stage are any of the excess green "Sun Leafs" and branches that are removed to allow for better plant development.

3. Flowering Phase:

The Vegetating Plants are triggered to start flowering phase when the period of darkness is over 12 hours. The Flowering plants will mature over 8 to 16 weeks, and then be harvested.

Flowering plant is a full production plant that is harvested for its flowers per a specific stain of plant.

The Flowering-By-products at this stage are any of the excess green "Sun Leafs" and branches that are removed to allow for better plant development.

4. Harvesting Phase:

The flowering plants are determined to be ready to be harvested by the Master Grower. To be made ready for drying, the plants are the then cut at their base and excess "Sun leaves" are removed.

The Harvest-By-products at this stage are any of the excess green Sun Leafs, branches, stock, and roots that are removed.

5. Drying Phase:

After harvest, the wet plants are hung to dry in a humidity and temperature-controlled room for a period of 10 to 20 days, until 70% to 90% of the water weight is evaporated.

The Drying-By-products at this stage are any of the excess Sun Leafs, Bud Leafs, and branches that are removed.

6. Trimming Phase:

When the plants are finished drying, they are then taken down from the drying area and taken to the trimming room, where the excess "Bud Leaves" are trimmed from flowers, "Buds".

The Trimming-By-products at this stage are any of the excess green "Bud Leafs" and branches that are removed.

7. Curing Phase:

This is the final step before packaging for transfer to the dispensaries. The trimmed flowers are cured to prevent mold and allow for the flavor to develop. Although there are other methods, the

buds are often placed in a glass jars in a dark, humidity and temperature-controlled room for a period of 10 to 20 days.

Curing-By-products at this phase are negligible, but it is typical to loose an additional 10%-30% of additional water weight loss.

8. Weighting and Packaging

After curing the buds a ready to be weighted, and packaged for shipment. The volume being packed determines the tracking weight accuracy:

| Weight | Scale Accuracy |
|-----------------------|-------------------------------------|
| < 1.00 gram | 0.01 gram (100 th /gram) |
| 1.10 to 100.00 grams | 0.10 gram (10 th /gram) |
| 100.1 to 1000.00 gram | 0.5 gram (1/2 gram) |
| 1000.1 > | 1.0 gram |

X. By-Products

All of the By-Products from the Cultivation Phases can be used to create concentrates, and infused products. All weights must be tracked and any leftover waste material must be disposed of in the appropriate manner.

| | |
|-----------------------|--------------------------------------|
| Veg-By-products | Sun Leafs and branches |
| Flowering-By-products | Sun Leafs and branches |
| Harvest-By-products | Sun Leafs branches, stock, and roots |
| Drying-By-products | Sun Leafs Bud Leafs, and branches |
| Trimming-By-products | Bud Leafs and branches |

~~Mother plants which are plants not harvested for production or dispensary Cultivation by each licensee is limited to 99 plants in the harvestable state at any one licensed cultivation facility.~~

NOTE: The defacto limit of 99 plants comes from a federal sentencing guidelines, which is no longer an issue due to the Federal Government no longer enforcing statutes, against states with their own regulation.

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R. A physical barrier must be in place to restrict access to the premises including a wall and controlled access gate for vehicular traffic.

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(What if there was a blight or crop failure... or sabotage for example in a particular growing cycle where the outcome is out of control of the licensee?)

SECTION 21 Independent Testing Laboratories

A. Independent Testing Laboratories meeting certification by the state regulating authority are only allowed to have marijuana onsite in the manner described by the state regulating authority and must have records to prove that all marijuana and marijuana-infused products on site are for testing purposes only. **Most of the negative side effects of consumption of marijuana products are attributed to chemicals, molds and pathogens. One other major factor that is most often over looked is heavy metals. One of the top selling hydroponic nutrients was independently tested for heavy metals and found to contain 50 times higher amounts than was printed on their label. Testing for high concentrations of heavy metals should be mandatory.**

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A marijuana dispensary license allows the licensee to sell ~~only prepackaged~~ usable marijuana, edible marijuana products and approved ancillary marijuana paraphernalia at retail to state regulating authority designated medical marijuana card holders. **NOTE: A buyer ca not determine the quality of the product for purchase if they cannot open it. Most patients have the ability to determine the type that works best for them by the smell.**

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 5. A drive-thru or walk-up window for transactions or product transfer;
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 - i. Internet sales;

- ii. Transport, mail ~~or private delivery of product;~~
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- 14. The display on any product in any manner visible to the general public from the right of way or outside of the facility.
- 15. ~~Off-site delivery of product by licensee is prohibited.~~ What about delivery to caregivers and ambulatory patients? All sales and distribution of medical marijuana by a licensed medical marijuana dispensary shall occur only upon the licensed premise, and the licensee shall be strictly prohibited from delivering medical marijuana to any person at any other location.

SECTION 24 Modification of the premises.

Any modification of the premises of a medical marijuana establishment shall be filed 60 days in advance of any proposed construction. A full and complete copy of all architectural and building plans shall be filed with the Director for a review of compliance with this chapter. The Director shall review the plans and approve any modifications in compliance with this chapter prior to the commencing of any construction of modifications. **NOTE: It is important to allow this process to be expedited in order to prevent un-due delays in approvals. A simple plan review and building permit should be considered.**

COMMENTS/NOTES FROM THE MEETING

No Name

Section 7 # 24 Page 5

- Says must operate within Federal Laws but it's currently illegal to do this

Attorney Bruce Gale

Section 2 Definitions Page 3

- MM Dispensary, definition doesn't include electronic verification of non-residents. That means that the dispensary would only be limited to residents.
- Director is not defined

Section 4 Unlawful Acts Page 4

- c) this definition has prohibitions against one time sell of patients to a dispensary or production place
- d) Same issue as with C above
- e) Time limits – County 6 am to 10 pm , Doesn't like the closing at 8 pm , it is prohibiting

Section 5

- c) Concerned how the Director will determine square footage of cultivation facility. Maybe you should have a public comment period on that.

Dr. Steve Fry

- 38 pages of regulations
- Regulations will drive prices up , prices to get it out to patients will be higher
- Security requirement for 3 patients is too much, pharmacies aren't held to this
- These regulations will keep the dealers in business
- We need to trim these regulations down and make them reasonable

Ovarian Cancer Patient Survivor (No Name)

- Zoning, I want a MM Dispensary in my neighborhood

Elizabeth Mayes

Section 4 Subsection e

- Time limits on facility not good, this is a 24 hour town

No name

- Welcomes the regulations, glad the city is stepping up and she thinks most of them are good

Yasmin Bantik

- How do you protect us, it's not legal

William Horne

Section 5 (c)

- How will the Director determine number of dispensaries
- What about cultivation in other jurisdictions

Section 6 (h)

- Needs clarification for rejection of application. Subject to disciplinary action needs explanation ... what about just a complaint with no findings.

Phyllis Schwartz

- I have a building. How does a property owner protect themselves legally?

Vicki Higgins

- Regulations is not about patients
- High cost of fees is going to limit this for people in Nevada and result in this being a tourist trade and dealers will remain in business on the black market
- Mom and pop businesses will be limited
- Delivery for homebound patients should be allowed within the city limits
- Why not set standard prices, there needs to be consistency between the city and the county. It's complicated statewide.
- The City has the sole discretion of these regulations – concerns about who evaluates the applications and the process.

Raymond Fletcher

- Hour issues

Section 6

- Letter I – electronic acceptance ... questions about acceptance. What form are acceptable
- What are the fees going to be

Section 7 and 11

- Confidentiality concerns , will info be provided through public information request

Mike Higgins

- Cultivation Issues

Section 19 (p) line 1

- 30 day cultivation concerns is no reasonable
- 1/3 of square footage concerns
- All Fees should be the same between the county, city and state. Current fee structure is high

No Name

- Zoning and separation concerns

Adam Sturnberg(sp)

Section 15 A

- Concerns about statement that nolo contendere should be considered guilty (also quotes the rest of the charges that would be held against an individual)
- Many of us have had convictions because we have used marijuana medicinally for years so that needs to be considered and possible altered.
- Also the language in the section makes it susceptible to take into consideration word of mouth. Needs to be stricken or changed.
-

No Name

Section 7

- 10 year background is extreme

Harry Moley (sp)

- Can more than one applicant use the same location?

John Sandy

- Regulations are important but we need to be mindful of being too restrictive
- Giving free samples is illegal, at first seems ok but what about people who don't have money. There are some programs that exist in California to help these people out

Man in Blue

- How many plants can we grow? What is the prohibition?

Derrick Cole (sp)

Section 7 # 12

- Insurance requirements are vague. Lots of open exposure there. Are you going to have an insurance review?

Tom Rufack

Section 7 #25

- Insurance requirement concerns about who will give them the bond

Barb Fisher

Cultivation Section 19 f

- Who is allowed on premises , the definitions are restrictive
- Too much restrictions to have a CLV business license for each person

Q on page 17

- Questions about 1/3 total square footage requirement. If it's a standalone building why just 1/3 can be used. It is energy and cost issue.
- What is the intent and cost perspective

Eric Douglas

- City should be working with the state
- Security concerns
- Cultivation should have locked doors

- Why do they need 3 security guards , this makes no sense

Page 17 Section 19 (i)

- Packaging concerns State requirement label says need to require potency but our regs is against state regulations
- Only 2.5 ounces requirement. Wasting the packaging if we have to repackage.

Adam Kahn

- Rumors about licenses
- Keep security requirements the way they are
- When do we think licenses will be given out?
- The higher the costs the better because it will limit the people who will get into the business

Blue Plaid Shirt

- Concerns about limitations on # of cultivation and dispensary facilities and the space limitations
The industry will grow; we need to grow with it.

Anthony

19 (B)

- Why is Metro in our business

No Name

- Is there going to be a coordinated effort from the City and County so we can all be on the same page

Elizabeth Mayes

- Forum for Patients and doctors needed

Don Kingsley

- Forcing people to grow indoors – concern that it's not sustainable. Why not allow people to grow outdoors and use the sun?

David Sollagio

- Concerns about not being able to grow his own marijuana after this ordinance passes
- Condensing oil form helps my condition
- No insurance will pay for this
- How can I continue to grow if these restrictions don't let me
- Questions about affordability of product

Kyle

Page 19 Section D

- Oils concentrate issue
- #1 how you need to use heat screen etc. s but can't use solvents
- #4 though says you can use the solvents under certain parameters... needs clarification

No Name

- MM patient – Driver's license concerns about carrying MM on the license. It shouldn't be on there

Chance

Section 23 A part E

- Page 21 No extracts infused in products , he needs that stricken

Paul Cody

Page 19 subsection d

- No water or beverages can be produced with the oil, this restricts usage options
- No refrigeration requirement limits the products available as well
- Ridiculous to limits

Phil?

- Questions about best used date, what happens after the best usage date
- Can we give the expired stuff to hospice

Man in Black Shirt

Section 15 Sub paragraph A

- Employment issue exclusions for people who have been convicted. Exclusion if you were convicted of a small amount of marijuana they can't work at an MME. Has a concern about this and doesn't think they should be excluded. Should be treated like gaming was when it was put in place. You should forgive this.

John Kenny

- We are taking a risk. Holding the City harmless with these regulations is not helping.

Elton

- This is about politics. And we need to educate the community

Dan Lutz

- Been in the industry in California. Has an issue with no other business in dispensaries. That would mean no IRS deductions. If they are allowed other business activities they can have business deductions i.e. wellness settings
- Hippa compliance issue , Driver's Licenses with leaf is a Hippa violation

Gary Ramos

- Concerns about limited dispensaries , but feels next draft should have criteria limits on facilities for cultivation and edibles

No Name

- Big problem with cultivation
- With these regulations marijuana people are getting financially penalized and we can only grow what you want to get
- Has issues with 5,000 square feet and 99 plants
- Time concerns and Quarantine Concerns

No Name

Section 22 Edibles

- No appearance of Candy or Gum, No Butter, no products requiring refrigeration. Wants product restrictions lifted

Brian Victor

- How to set up entity? What is the business design?
- Why only 40, we should start out wide and be proactive.

No Name

- How is the City going to protect us if the Federal government comes to prosecute us?

Ron Warez

- Are you going to make this available to pharmacy and people can pick up a pill?

No Name

- Physicians who want to get involved in this process, how will it affect them?
- Delivery concerns, if you are granted a permit is there a special permit for delivery?

Samantha ??

Section 23 I

- Signage issues with restriction of minors , what about kids with MM cards that needs to be addressed

Mark

- Wife has copd and MM is hard to get
- What are the ins and outs to get into the profession

Ricky Patterson

- Investors need a lot of money to get into this. When it becomes legal and opens up what kind of protections are in there to protect businesses up and running.
- What happens with its legalized there will be in an issue with supply and demand and how we are going to keep up? Will we be able to use any outside grow houses to keep up with demand?

Steve

- Concerns about owners opening up doors to officers and officials. What rights do I have to look into officials and officer misconduct?

Fawn Douglas

- Paiute reservation questions
- Will our own enforcement people be enough or will Metro be involved too?

???

- Can we customize our marijuana with celebrities?

Cindy Brown

- Stop asking silly questions Read the Bill
- We need people to scream and yell at City Council

Section 23 K & I

- Loyalty rewards need to be allowed , we need you to remove this
- Treating cannabis people like second class citizens
- Has a concern about work restrictions with convictions. You are knocking out half the people who fought for this.
- Branding of edibles is important. I need to know what I like and who made it
- Mobile advertising and other advertising should be allowed. Just like everyone else.
- Stop with all these ridiculous regulations.

No Name

- We need to be consistent with other areas in the community; all these different regulations will make us chase our tail. Security Guard, Armored Car is going to make our business too difficult to operate

No Name Patient

- Dispensary should be able to give advice to patients (i.e. essential oils); I need someone to tell me how to use it and what your options are. Just like a pharmacy.

Derrick Connor Attorney

- Concerns about arbitrary restrictions on 99 plants and square footage of plant canopy. That should be stricken. Thinks this canopy should be determined by demand.

Chrissy Groner(sp)- Realtor

- Special use Permit concerns about outdoor growing restrictions, ties up commercial property. We should have outdoor growing. And tying up property in all the marijuana paperwork and the waiting time for an applicant's license.

Gary

- Might be a good idea to create a list of top 10 misconceptions city versus county versus state regulations

Attorney Bruce Gale

Section 6 Permit application

- a) 10 day period concern
- c) application period is short enough delete 3 pm and make it 5 pm deadline

Section 7

- Required applicant to turn in state applicant filings, Final application request too – this needs to be clarified. It's ambiguous.
- (27) Last two words without appeal. Concerns about this and denying ever applicant of their rights under NRS

Section 9

- Subsection A, B, C– Section 374 calls for an integrated process from seed to sale
- No applicant can do this because they have to be separate according to CLV regs

Section 10

- Subsection F - Public Hearing concerns. This is ambiguous, are hearings going to be before the City Council? Clarification needed

Section 11

- (b) Determination of number of each type of facility permits ... how is city council going to do this?

- (d) Limits on square footage concerns
- (g) Re-application period shouldn't be one year limit after date of denial. There should be a reapplication process during next application call.

No Name

- An appeal process is important at every stage

Sec 9 Subsection b & c

- Concerns about the term at the discretion of the Director. May be up to bias

Sec 10 page 7

- Director may inspect or cause to be inspected, Applicant shouldn't have to pay such fee. Statement/Comment not clear.

Sec 11 F

- Is this in addition to the aforementioned investigation mentioned in the document

Section 12 c (b)

- Is this for each type of facility?

Ron

- When will we have some solid dates when everything will be due?
- There should be solid dates on application

No Name

Section 20

- Cultivation limits concerns, it depends on type of strain, some varieties have very tiny plants and flowers so plant, limitations on these are bad

Section 30

- Disposal requirements, there is some needs for the leaves they can be a benefit

Vicki Higgins

Section 37 Number 2

- Concern about law enforcement involvement. Police and first responder should have training in MME and what is going on. We as the community can help with this training.

No Name

- Banking Question , no way to afford us to do legitimate banking offered by the City in the regs

Samantha Anton Camelot

- Armored vehicle stipulation to move money ... where do we take the money to if banks don't allow it there.

Attorney Bruce Gale

Section 12 (g)

- What is that amount supposed to be \$50,000 or \$500,000? Is that a typo?

Section 14

- Surrender of a license concerns. State has addressed this. Surrender of a license is very onerous, please reconsider and make it like gaming where the new owner be vetted rather than surrendering. Same thing for a change in location.

Section 15 subsection a

- Conviction and minor offense concerns. SB 374 violent crime and controlled substance Do we want to consider gravity of the issue as well?
- I agree with the City in not allowing any other businesses in an MM establishment

Nan Weldon

P 9 d #3 Edibles

- Appearance of candies, the number 1 candy is a tootsie roll type candy in Denver, many patients prefer this. According to the regulations it's restricted.

No Name Guy

- There are businesses that could be made available within an establishment that would not interfere with the dispensary business (wellness, chiropractors etc.
- Wellness related services help on tax issue

~~MIKE~~ DAN
LUTZ

Suggested Changes to Language for Las Vegas Municipal Code Title 6 - Per Open Comment Period - City Request for Feedback

Only Sections with Suggested Changes Appear – Suggestions in Red

SECTION 16 Medical Marijuana Establishment Restrictions

A. Location - Medical Marijuana establishment licenses may not be located in the following:

- 3. Within another business **NOTE: is defined in the statute as a non-conforming use.**
 - A) **NOC Variance: We will submit a request for variance for the building we have discussed to receive an exception for a related non-public use (such as a Network Operating Center for servicing the industry) providing U-PASS software to the industry as discussed in this proposal.**
 - B) **Integrated Wellness Centers**

The prohibition set forth in this paragraph shall not apply to:

- 1. Any sign located on the same lot as the medical marijuana establishment which exists solely for the purpose of identifying the location of the medical marijuana establishment and which otherwise complies with the state regulating authority, the conditions of approval of the license and other applicable city laws and regulations; or
- 2. Any advertisement contained within online media, a newspaper, magazine, or other periodical of general circulation within the city **(and unsolicited media such as of news media video and documentary and education video not controlled by the licensee)** The intention is to not end up on the news or any television documentary or series that arbitrarily contains video and such video would be deemed to violate the ordinance.

H: Transportation

7. Wholesale product which is packaged for transport to a dispensary must be individually packaged in tamper-proof and traceable packages **of not more than 2 and 1/2 oz. aggregated into packages of not more than 1 pound noting the number of individual packages,** measuring the total weight out and in with all shipment and tracking information required by the state regulating authority. **The volume in a container, being packed determines the tracking weight accuracy.**

| Weight | Scale Accuracy |
|-----------------------|-------------------------------------|
| < 1.00 gram | 0.01 gram (100 th /gram) |
| 1.10 to 100.00 grams | 0.10 gram (10 th /gram) |
| 100.1 to 1000.00 gram | 0.5 gram (1/2 gram) |
| 1000.1 > | 1.0 gram |

SECTION 18 Security Requirements.

D. Security Guards –A minimum **of three (3) one (1)** security guard duly licensed with the State of Nevada shall be onsite at all cultivation and dispensaries at all times, and shall not possess firearms or tasers **(may carry mace or pepper spray)**. A minimum of one (1) security guard shall be required at all edible or infused production facilities. **If the marijuana establishment is deemed by its senior staff to have**

sufficient passive security, such as a biometric finger print system, access controlled doors, and camera system, a security guard will not be needed for that facility.

SECTION 19 Cultivation Facility

P. Cultivation facilities may have different areas dedicated to several types of plants phases:

1. Nursery Phase:

A) Plant Starts- By Seeds

Seed Plants are started through the sprouting of seeds.

B) Plant Starts- By Cloning

Cloned Plants are used for cloning a specific strain. Taking cuttings from a "Mother Plant" makes the Plant Starts.

Note: These Mother plants are placed into a continual vegetative cycle and are never harvested. Cuttings are then taken from their branches and then rooted in order to maintain the quality and integrity if a specific strain.

2. Vegging Phase:

Vegetating plants are at a pre-flowering stage. These plants are grown to a certain size prior to proper for their production cycle.

The Veg-By-products at this stage are any of the excess green "Sun Leafs" and branches that are removed to allow for better plant development.

3. Flowering Phase:

The Vegetating Plants are triggered to start flowering phase when the period of darkness is over 12 hours. The Flowering plants will mature over 8 to 16 weeks, and then be harvested.

Flowering plant is a full production plant that is harvested for its flowers per a specific stain of plant.

The Flowering-By-products at this stage are any of the excess green "Sun Leafs" and branches that are removed to allow for better plant development.

4. Harvesting Phase:

The flowering plants are determined to be ready to be harvested by the Master Grower. To be made ready for drying, the plants are the then cut at their base and excess "Sun leaves" are removed.

The Harvest-By-products at this stage are any of the excess green Sun Leafs, branches, stock, and roots that are removed.

5. Drying Phase:

After harvest, the wet plants are hung to dry in a humidity and temperature-controlled room for a period of 10 to 20 days, until 70% to 90% of the water weight is evaporated.

The Drying-By-products at this stage are any of the excess Sun Leafs, Bud Leafs, and branches that are removed.

6. Trimming Phase:

When the plants are finished drying, they are then taken down from the drying area and taken to the trimming room, where the excess "Bud Leaves" are trimmed from flowers, "Buds".

The Trimming-By-products at this stage are any of the excess green "Bud Leafs" and branches that are removed.

7. Curing Phase:

This is the final step before packaging for transfer to the dispensaries. The trimmed flowers are cured to prevent mold and allow for the flavor to develop. Although there are other methods, the

buds are often placed in a glass jars in a dark, humidity and temperature-controlled room for a period of 10 to 20 days.

Curing-By-products at this phase are negligible, but it is typical to loose an additional 10%-30% of additional water weight loss.

8. Weighting and Packaging

After curing the buds a ready to be weighted, and packaged for shipment. The volume being packed determines the tracking weight accuracy:

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| < 1.00 gram | 0.01 gram (100 th /gram) |
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X. By-Products

All of the By-Products from the Cultivation Phases can be used to create concentrates, and infused products. All weights must be tracked and any leftover waste material must be disposed of in the appropriate manner.

| | |
|-----------------------|--------------------------------------|
| Veg-By-products | Sun Leafs and branches |
| Flowering-By-products | Sun Leafs and branches |
| Harvest-By-products | Sun Leafs branches, stock, and roots |
| Drying-By-products | Sun Leafs Bud Leafs, and branches |
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- 15. ~~Off-site delivery of product by licensee is prohibited. What about delivery to caregivers and ambulatory patients?~~ All sales and distribution of medical marijuana by a licensed medical marijuana dispensary shall occur only upon the licensed premise, and the licensee shall be strictly prohibited from delivering medical marijuana to any person at any other location.

SECTION 24 Modification of the premises.

Any modification of the premises of a medical marijuana establishment shall be filed 60 days in advance of any proposed construction. A full and complete copy of all architectural and building plans shall be filed with the Director for a review of compliance with this chapter. The Director shall review the plans and approve any modifications in compliance with this chapter prior to the commencing of any construction of modifications. ~~NOTE: It is important to allow this process to be expedited in order to prevent un-due delays in approvals. A simple plan review and building permit should be considered.~~

CINDY BROWN

Section 4 Unlawful acts:

E dispensary hours should be 24/7 IF one chooses. We have 24 hour pharmacies.

Section 5 Compliance:

C Remove the second sentence in it's entirety. The director has NO basis for determining the size of a cultivation facility, ESPECIALLY because they have no clue how to even grow or use the final product.

Section 6 Permit application:

E Remove it all together there could be something that could change everything for the applicants. IE; DEATH of an applicant

G & E Should both be completely removed. These people will be astronomical paying up front fees JUST to apply & they may not know someone in their group has had an issue in the past. It is completely unfair to hold a group of people hostage over the failings of one. A better option would be if a fee was not paid on time a 10 day notice to pay should be issued & if they do not comply then barricade would go up & business would be closed until the fee was paid. If it wasn't paid within 14 more days the business would be closed & items sold at auction to satisfy the fees. OR simply removal of the guilty party from the application.

Section 7 Permit application contents:

24 This is all federally illegal so how can you comply with federal laws? Either toss this whole section or be specific in which federal laws you expect the establishments to comply with.

27 Should have an appeals process, you allow it in the pharmacy codes. IE; NRS 639.139
Denial of application: Procedure for reconsideration.

Section 9 Permits;

Should be totally removed, there is no reason I can think of for you to restrict trade in this manor.

Section 10 permits director review:

A: metro should only be allowed to comment on people who have actually been convicted of a crime NOT suspected.

G should have an appeals process added.

Section 14 Expiration & surrender. B. Should be eliminated I could not find any NRS stating a pharmacy or casino should have to "reapply" if there is a change in their location. Places do burn down & get sold by the property owner forcing a business to relocate.



Section 15 Denial

A,C & J need to be eliminated. This is a form of Adult bullying. You are saying we don't care how long ago you did stupid stuff & got arrested it's obvious you are not worthy of the American dream for you it is null & void. You are also knocking out many of the people who fought to get this law fixed. Some of these same people lost their homes, kids, cars jobs in the process. They thought getting the law fixed would give them the chance to do things the right way. This will ensure the survival of the black market. Las Vegas was created by loan sharks bookies & organized crime & now for some reason you people think you have to do the extreme opposite.

Section 16 MME restrictions:

B. This is crazy, I can pick up any other prescription & take it while walking out the door.

D Advertising locations:

Should be removed completely this is a seriously flawed restriction. There are a number of printing companies that had hopes of some new business. Someone might have had a job being a human sign.

E Minors: Should read persons under 18 not 21, many 18-21 year old's should not need their parents to tag along to the dispensary.

H. Transportation:

7 Packaging in 2.5 ounce packages is rather silly this is the wholesale end not retail. People are NOT going to buy 2.5 ounces of one type, they will buy 1/8 ounce of one strain & maybe half of another, different strains are used for different things, some are better for pain some for sleep etc. So the dispensary will have to rip open all that & repackage waste of time & money, an expense which will be transferred to the patients. Remember nothing is deductible to the business on IRS forms.

Section 17 Facilities not located in the city: Is ridiculous & should be removed completely. You are placing an undue burden on the already overly regulated dispensary business.

Section 18 Security requirements:

D Security guards:

Requiring 3 security guards 24/7 @ \$15 an hour is \$30,240 a month & you won't even let them carry a gun or tazer? What is the point of even having them if they can't actually secure anything? You're giving people a false sense of security.

Section 19 Cultivation Facility:

D It is quite evident that none of you have been anywhere near a cultivation facility. There WILL be an odor of cannabis!! If it were possible to completely contain it Metro would NEVER be able



to bust a grow house.

Letter I is not at all practical. This is the wholesale end & it should go in 20 gallon tubs. The dispensaries will be splitting it up & will have a lot of wasted time & effort unpacking all those little containers. Not to mention the containers ending up in the land fill.

P. There should be no limit on amount of plants

Q. should also be removed why on earth would you need to only use 1/3 of your building for growing? If anything it should be 3/4 the plants take the most room. The final product takes very little space in comparison.

S & T Should be removed entirely

V. Is just plain stupid, there is no logical reason to make a product sit for 24 hours after packing it up.

Section 22. Edible products facility:

B type of processing: 3 & 4 First you say no solvents then you say solvents can not exceed. You guys obviously do not understand how the cannabis oil is made that cures cancer & other disease. We MUST use food grade grain alcohol !! The oil is what the dieing people need !! It must be heated & they would need to use a large distiller to extract the oil & recover the alcohol.

D.Allowed products: 3 &4 remove. Once again you people do NOT understand the patients needs!!! We want the candies & teas. There are some patients who need it in candy form & what about the 10 kids we already have as registered patients don't they deserve candy for medicine?

E Package & labeling: 6 the city wants their logo on the packages yet not our own branding to make our products memorable? Kinda two faced isn't that?

F. Remove this!! How will patients remember which place had the crappy products if they can't see a brand? Then they may go to another dispensary & get the same brownie thinking it's different, because they aren't allowed to brand.Totally ridiculous!

Section 23 Dispensary:

B Other products: Should be removed completely. There is no legitimate reason to restrict a dispensary from giving gifts or novelties. Pharmacies do it. If you think dispensaries should not enjoy the same right to sell ancillary items of their choosing then you need to remove pharmacies from Walmart, Target Walgreen's etc.

D prohibited activities:

Remove A there is no justifiable reason to restrict promotional advertising.

Remove C, free samples can be tracked as part of the 2.5 ounce rule & should not be restricted. Sometimes people are poor & a place would like to give them something to try without wasting money if it doesn't work for them.

Remove E Walgreen's & a few others have drive up windows it makes life easier for the people who have a hard time walking.

remove K & I Branded merchandise is necessary to promote & if you don't allow it, once again some support companies will not be able to make some money too. Also pharmacy's have loyalty rewards why would you restrict the cannabis people? Your treating cannabis & the patients as if we are second class citizens & somehow seeing a logo or receiving a free gift is some evil act.

Remove m. Once again you people are paranoid about someone using a logo or seeing a product? We have bill boards & TV commercials pushing all sorts of damaging dangerous drugs & you are worried about the cannabis industry?

Remove o also. We have a number of patients who can't get out of their homes very often, there needs to be a delivery service for them. Many people have their medications delivered to their homes, hubbies comes in the mail.

I signs & advertising

1 We have patients under 21 get rid of that "under 21" restriction all together everywhere.

K Armored vehicles: REALLY? The banks won't take the money so no need for an armored car. plenty of businesses take their money home in their own vehicles. Not needed, unless we chose to use them.

N. remove. WHY can't we have a growing location combined with a dispensary? It would save money & transporting issued would vanish. Use some common sense here & see that combining is a good thing. you're so worried about crime yet you create opportunities for crime.

Section 28 Death or incapacity: A death should NOT stop the sale of cannabis & cause all the people to lose their jobs & destroy medicine. Remember with all the crazy rules you guys implemented & the astronomical amounts of money these people had to spend there will be a group of people who will be effected not just one owner. There should be a required payment to the estate of the deceased for their interest in the business, but closing it & making everyone reapply is crazy! They already went threw all that.

4

You all seem to be forgetting this whole thing was supposed to be about patients & how to help them heal not how much money the state can make off them!! Because all these fees will be passed on to the customer. When our little group of patients got involved in changing the law we saw a whole different program then you guys have come up with. We saw a patient friendly environment where the prices would be so low it wouldn't be worth growing your own. With all the fees & hoops to jump threw the prices will be be around \$600 an ounce. Which for me would be \$3200 a month, as I take the oil which one pound is a 3 month supply. From what I have read once I am cured I will still need to take a smaller amount but even at half the amount it will still force me to grow my own. Unless we can get those prices down to \$200 an ounce or less I might be able to just buy it & get my guest room back. Although that would mean I'd have to host relatives again.....

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IT IS ORDERED denying Defendants' Motion to Decline Non-Statutory Special Action Jurisdiction, Motion to Dismiss or in the Alternative, Motion to Stay.

IT IS FURTHER ORDERED granting Plaintiffs' Motion for Summary Judgment.

IT IS ORDERED declaring the following regulations to be *ultra vires* and invalid: R9-17-322(A)(2) (requiring applicant to have been an Arizona resident for three years); R9-17-302(A)(4) (setting criteria that applicant have never filed personal or corporate bankruptcy); R9-17-302(A)(1) (setting criteria that applicant has submitted Arizona personal income tax returns for previous three years); R9-17-302(A)(2) (setting criteria that applicant is current on court-ordered child support; is not delinquent in paying taxes, interest or penalties to the government; does not have an unpaid judgment to the government; and is not in default on a government-issued student loan).

IT IS FURTHER ORDERED directing Defendants to implement the lawful provisions of the AMMA and, if necessary, to promulgate regulations that conform thereto.

Dated: January 17, 2012

/ s / HONORABLE J. RICHARD GAMA

JUDICIAL OFFICER OF THE SUPERIOR COURT

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.

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HONORABLE J. RICHARD GAMA

CLERK OF THE COURT
D. Harding
Deputy

COMPASSION FIRST L L C, et al.

J TYRRELL TABER

v.

STATE OF ARIZONA, et al.

KEVIN D RAY

MINUTE ENTRY

The Court has had under advisement Defendants' Motion to Decline Non-Statutory Special Action Jurisdiction, Motion to Dismiss, or in the Alternative, Motion to Stay,¹ and Plaintiffs' Motion for Summary Judgment. Having read and considered the briefing and having heard oral argument, the Court issues the following rulings.

I.

In November 2010, Arizona voters passed Proposition 203, which enacted the Arizona Medical Marijuana Act (the "Act" or "AMMA"), A.R.S. § 36-2801 *et seq.* (eff. Dec. 14, 2010). DHS was charged with implementing and overseeing the Act, including the registration of nonprofit medical marijuana dispensaries ("NPMMD") and dispensary agents, qualifying patients, and designated caregivers. *Id.* DHS promulgated final regulations on April 13, 2011,² and was scheduled to begin accepting applications for dispensaries and dispensary agents on June 1, 2011.³ DHS suspended that process on May 27, 2011 due to uncertainty whether state

¹ Defendants State of Arizona, Governor Janice K. Brewer, Arizona Department of Health Services ("DHS"), and DHS Director Will Humble will be referred to collectively as the "State" or "Defendants," unless the context otherwise requires.

² See A.A.C. R9-17-101 *et seq.* (the "regulations").

³ On April 14, 2011, DHS began accepting applications from persons seeking to be registered as qualifying patients and designated caregivers. That registration process continues.

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employees would be exposed to criminal liability under the federal Controlled Substances Act (“CSA”) for doing their jobs in complying with the Act.⁴ Also on May 27, 2011, the State filed an action in U.S. District Court seeking a declaration of its rights and duties regarding the validity, enforcement, and implementation of the Act and a determination whether compliance and participation in the Act provides a safe harbor from prosecution under the CSA.⁵

Plaintiffs here are aspiring applicants for NPMMD certificates who allege they will be excluded from the selection process based upon specific regulations (the “challenged regulations”).⁶ Plaintiffs filed this 11-count Complaint for Special Action, essentially asserting that the State is not performing its constitutional duties to enforce the laws, i.e., the AMMA, and that it has acted in excess of its legal authority by promulgating *ultra vires* and unconstitutional regulations. Plaintiffs ask this Court to (i) declare the challenged regulations unconstitutional and/or unlawful under either the U.S. or Arizona Constitutions and enjoin the State from applying them, (ii) order DHS to promulgate regulations that conform to Proposition 203 and the U.S. and Arizona Constitutions, and (iii) direct Defendants to immediately implement the lawful provisions of the Act.

II.

A.

Plaintiffs allege this is a statutory special action pursuant to A.R.S. § 36-2818(A). *See* Ariz. R. P. Spec. Act 1(b).⁷ That section provides:

⁴ *See* 21 U.S.C. § 801 *et seq.*

⁵ *State of Ariz. v. U.S. of Am.*, Case No. 2:11-cv-01072-SRB (D. Ariz. May 27, 2011).

⁶ Plaintiffs challenge the following regulations:

- (a) R9-17-322(A)(2): requiring applicant to have been an Arizona resident for three years;
- (b) R9-17-322(A)(3): requiring application to comply with state law;
- (c) R9-17-302(A)(4): setting criteria that applicant have never filed personal or corporate bankruptcy;
- (d) R9-17-302(A)(1): setting criteria that applicant have submitted Arizona personal income tax returns for previous three years;
- (e) R9-17-302(A)(2): setting criteria that applicant is current on court-ordered child support; is not delinquent in paying taxes, interest or penalties to the government; does not have an unpaid judgment to the government; and is not in default on a government-issued student loan;
- (f) R9-17-302(A)(3): setting criteria that individual with 20% or more interest in dispensary be the applicant or principal officer or board member of dispensary;
- (g) R9-17-304(D)(7): requiring documentation of ownership of address of dispensary or permission from owner for applicant to operate dispensary at the address.

(Complaint for Special Action at ¶ 57.) Plaintiffs also challenge R9-17-302(A)(2) on the basis that it excludes “New Residents” from operating a dispensary. (*Id.* at (g).) However, this regulation does not so provide, and the “New Resident” exclusion is covered by other challenges.

⁷ This Court must accept jurisdiction of a statutory special action. *Cf. Foster v. Anable*, 199 Ariz. 489, 491, 19 P.3d 630, 632 (App. 2001). Where a special action is authorized by statute, the issues that may be raised are not limited

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If the department fails to adopt regulations to implement this chapter within one hundred twenty days of the effective date of this chapter, any citizen may commence a mandamus action in superior court to compel the department to perform the actions mandated under this chapter.

The State argues that a statutory special action is not available because DHS *did* “adopt regulations to implement this chapter” within 120 days of its effective date. Plaintiffs argue a construction of A.R.S. § 36-2818(A) that contemplates actual implementation “of this chapter” within the 120 days, i.e., registering and certifying NPMMDs under A.R.S. § 36-2804.

In construing a statute adopted by initiative, the Court’s primary objective “is to give effect to the intent of the electorate.” *Fogliano v. Brain ex rel. Cnty. of Maricopa*, 2011 WL 6056999, at *5 (Ariz. App. Dec. 6, 2011) (quotation and citation omitted). The Court does so by applying the language of the initiative where it is clear and unambiguous, and therefore “subject to only one reasonable meaning.” *Id.*; see also *Janson on Behalf of Janson v. Christensen*, 167 Ariz. 470, 471, 808 P.2d 1222, 1223 (1991); *Kent K. v. Bobby M.*, 210 Ariz. 279, 283, 110 P.3d 1013, 1017 (2005). The Court must avoid a construction that would render the statute meaningless or of no effect, giving consideration “to both the evil to be remedied and the result which the Legislature desired to reach.” *State v. Clifton Lodge No. 1174, Benevolent & Protective Order of Elks of U.S.*, 20 Ariz. App. 512, 513, 514 P.2d 265, 266 (1973). The Court is required to read the statute “as a whole and give meaningful operation to all of its provisions and ensure an interpretation that does not render meaningless other parts of the statute.” *Hahn v. Indus. Comm’n of Ariz.*, 227 Ariz. 72, 74, 252 P.3d 1036, 1038 (App. 2011) (quotation and citation omitted).

The State’s position that it *has* “adopt[ed] regulations to implement this chapter” within the 120 days gives no effect to and would render meaningless the remedy “to compel the department to perform the actions mandated under this chapter.” The Court agrees with Plaintiffs that A.R.S. § 36-2818(A) as a whole references DHS’ duties under the entire Act, not merely those under its rulemaking provision.⁸ A contrary interpretation would be disingenuous. The voters passed Proposition 203 informed of marijuana’s therapeutic value in treating a wide array of debilitating medical conditions. Prop. 203, at § 2(B). The voters intended to protect patients with those debilitating medical conditions (and their physicians and providers) “from arrest and prosecution, criminal and other penalties and property forfeiture if such patients engage in the medical use of marijuana.” *Id.* at § 2(G). The voters contemplated this be done

by the rules. Rule 1(b); see *Primary Consultants, L.L.C. v. Maricopa Cnty. Recorder*, 210 Ariz. 393, 395 n.1, 111 P.3d 435, 437 n.1 (App. 2005).

⁸ See A.R.S. § 36-2803 (authorizing DHS to adopt rules).

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within 120 days of the effective date of the Act; it would be a Pyrrhic victory for the voters were the Court to conclude otherwise.

The Court finds that it has mandatory jurisdiction of this statutory special action pursuant to A.R.S. § 36-2818(A).⁹ Therefore, the Court also finds that the State's Motion to Dismiss DHS on the basis it is a nonjural entity is without merit, the Legislature having authorized such action by that section. *Cf. Braillard v. Maricopa Cnty.*, 224 Ariz. 481, 487, 232 P.3d 1263, 1269 (App. 2010); *Schwartz v. Super. Ct.*, 186 Ariz. 617, 619, 925 P.2d 1068, 1070 (App. 1996) (powers of state administrative agency limited to those granted by statute).

B.

The State argues Plaintiffs lack standing because they cannot state with certainty that they will be negatively impacted or harmed in the selection process. Plaintiffs argue to the contrary. Although the Arizona Constitution does not require that a plaintiff allege an actual case or controversy, as a matter of sound jurisprudence a plaintiff must establish standing to sue. *See, e.g., Bennett v. Napolitano*, 206 Ariz. 520, 525, 81 P.3d 311, 316 (2003). In addressing the question of standing, the Court is "confronted only with questions of prudential or judicial restraint" imposed to insure that the Court does not issue an advisory opinion, that the case is not moot, and that the issues will be fully developed by true adversaries. *Armory Park Neighborhood Ass'n v. Episcopal Comm. Serv. in Ariz.*, 148 Ariz. 1, 6, 712 P.2d 914, 919 (1985). "[T]hese considerations require at a minimum that each party possess an interest in the outcome." *Id.*

The Court need not belabor analysis of this issue. The State admits that two Plaintiffs are disqualified from consideration by R9-17-322(A)(2), which requires an applicant to have been an Arizona resident for three years. It is a theoretical but unlikely possibility that other Plaintiffs might be randomly selected under R9-17-302 to receive a registration certificate. *Cf. Babbitt v. United Farm Workers Nat'l Union*, 442 U.S. 289, 298 (1979) (plaintiff challenging statute must demonstrate realistic danger of sustaining direct injury as result of statute's operation or enforcement). The Court finds that Plaintiffs have a legitimate interest in an actual controversy involving implementation of the AMMA and validity and/or constitutionality of the regulations promulgated pursuant thereto.¹⁰

⁹ Alternatively, Plaintiffs argue that DHS in fact has not adopted regulations because the challenged regulations are unconstitutional, and, therefore, invalid. This argument puts the cart before the horse. Unconstitutionality is a legal determination made by a Court having jurisdiction over the question; the asking of the question, however, is not determinative of a Court's jurisdiction.

¹⁰ Defendants also argue Plaintiffs' claims are not ripe because no one, including these Plaintiffs, has been issued or denied a dispensary certificate. Ripeness is analogous to standing because it "prevents a court from rendering a

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III.

Under the Arizona Constitution, “the ultimate power to legislate is reserved to the people and is at least as great as the power of the legislature.” *Salt River Pima-Maricopa Indian Comty. v. Hull*, 190 Ariz. 97, 103, 945 P.2d 818, 824 (1997); Ariz. Const. Art. 4, Pt. 1, § 1. Thus, Plaintiffs argue, the State is constitutionally obligated to implement the AMMA. *See Rios v. Symington*, 172 Ariz. 3, 12, 833 P.2d 20, 29 (1992); *Salt River Pima-Maricopa Indian Comty.*, *id.* at 101-04, 945 P.2d at 822-25. The State does not necessarily disagree, arguing it did not refuse to implement the Act but rather suspended the dispensary and dispensary agent application process to seek relief from the District Court regarding prosecution of state employees and forfeiture of state assets. *See A.R.S. § 41-101(A); Ariz. State Land Dep’t v. McFate*, 87 Ariz. 139, 148, 348 P.2d 912, 918 (1960).

The Court is not unmindful of the State’s dilemma; it is caught between the proverbial rock and hard place, between the AMMA and the CSA. In connection with this dilemma, the State requests this Court stay this action pending resolution of the District Court action.¹¹ The Court declines to do so, disagreeing that both actions raise the same or similar questions of law. The Court need not determine issues of preemption and federal criminal liability in order to grant Plaintiffs the relief they request. Nor does the Court need reach the issue raised by Plaintiffs whether the State has standing or is otherwise authorized to seek relief in District Court vis-à-vis the AMMA. The sole issue before the Court is whether the State has discretion to put implementation of the AMMA on hold while it pursues the District Court action. Defendants cite no authority for this proposition, and the Court has found none. As discussed above, the voters intended the AMMA be implemented within 120 days. This has not been done.

IV.

Plaintiffs argue DHS exceeded its statutory authority in promulgating the challenged regulations. The State contends the challenged regulations were authorized pursuant to A.R.S. §§ 36-2803(A)(4)¹² and 36-2804(C),¹³ specifically via the interplay of the Act’s (i) grant of

premature judgment or opinion on a situation that may never occur.” *Town of Gilbert v. Maricopa Cnty.*, 213 Ariz. 241, 244, 141 P.3d 416, 419 (App. 2006) (quotation and citation omitted). DHS has adopted the challenged regulations; it does not deny it intends to consider applications according to these regulations. A.R.S. § 36-2803(A)(4)(a). The Court finds that this matter is ripe for adjudication. *See Town of Gilbert, id.* at 244-45, 141 P.3d at 419-20.

¹¹ The Court takes judicial notice of the District Court’s January 4, 2012 Order dismissing that action.

¹² A.R.S. § 36-2803(A) provides:

Not later than one hundred twenty days after the effective date of this chapter, the department shall adopt rules:

...

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authority to DHS to implement rules to protect against “diversion and theft” and (ii) limitation on the number of NPMMD certificates DHS can issue. Plaintiffs contend the Act mandates issuance of a NPMMD certificate if certain statutory criteria are met, and grants no authority to DHS to establish any other conditions or qualifications thereto. *See generally* A.R.S. §§ 36-2804,¹⁴ -2806, -2806.02 (setting forth statutory requirements for NPMMDs).

4. Governing nonprofit medical marijuana dispensaries, *for the purpose of protecting against diversion and theft* without imposing an undue burden on nonprofit medical marijuana dispensaries or compromising the confidentiality of cardholders, including:

- (a) The manner in which the department shall consider applications for and renewals of registration certificates.
- (b) Minimum oversight requirements for nonprofit medical marijuana dispensaries.
- (c) Minimum recordkeeping requirements for nonprofit medical marijuana dispensaries.
- (d) Minimum security requirements for nonprofit medical marijuana dispensaries, including requirements for protection of each registered nonprofit medical marijuana dispensary location by a fully operational security alarm system.
- (e) Procedures for suspending or revoking the registration certificate of nonprofit medical marijuana dispensaries that violate the provisions of this chapter or the rules adopted pursuant to this section.

(Emphasis added.)

¹³ A.R.S. § 36-2804(C) provides:

The department *may not issue more than one nonprofit medical marijuana dispensary registration certificate for every ten pharmacies* that have registered under § 32-1929, have obtained a pharmacy permit from the Arizona board of pharmacy and operate within the state except that the department may issue nonprofit medical marijuana dispensary registration certificates in excess of this limit if necessary to ensure that the department issues at least one nonprofit medical marijuana dispensary registration certificate in each county in which an application has been approved.

(Emphasis added.) Based on the number of pharmacies in the state, DHS may issue 124 dispensary certificates.

(Response at 7 n.4.)

¹⁴ A.R.S. § 36-2804 provides, in relevant part:

- A. Nonprofit medical marijuana dispensaries shall register with the department.
- B. Not later than ninety days after receiving an application for a nonprofit medical marijuana dispensary, the department *shall register* the nonprofit medical marijuana dispensary and issue a registration certificate and a random 20-digit alphanumeric identification number *if*:

1. The prospective nonprofit medical marijuana dispensary has submitted the following:

- (a) The application fee.
- (b) An application, including:
 - (i) The legal name of the nonprofit medical marijuana dispensary.
 - (ii) The physical address of the nonprofit medical marijuana dispensary and the physical address of one additional location, if any, where marijuana will be cultivated, neither of which may be within five hundred feet of a public or private school existing before the date of the nonprofit medical marijuana dispensary application.
 - (iii) The name, address and date of birth of each principal officer and board member of the nonprofit medical marijuana dispensary.
 - (iv) The name, address and date of birth of each nonprofit medical marijuana dispensary agent.

(c) Operating procedures consistent with department rules for oversight of the nonprofit medical marijuana dispensary, including procedures to ensure accurate record-keeping and adequate security

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“When authorized to do so by the legislature, administrative bodies may make supplementary rules for the complete operation and enforcement of legislation.” *Boyce v. City of Scottsdale*, 157 Ariz. 265, 268, 756 P.2d 934, 937 (App. 1988). Although the Court gives weight to an agency’s interpretation of statute, such interpretation is invalid if it is not consistent with the enabling legislation. *Sharpe v. Ariz. Health Care Cost Containment Sys.*, 220 Ariz. 488, 494, 207 P.3d 741, 747 (App. 2009). In determining whether a regulation exceeds a statutory grant of authority, the focus is on the language of the statute. *Id.* at 495, 207 P.3d at 748. The scope of an agency’s power to promulgate regulations “is measured by the statute and may not be expanded by agency fiat.” *Id.* (quotation and citation omitted).

The Act clearly specifies those persons who may not be considered for registration and certification (i.e., persons under 21, felons, persons whose certificates have been previously revoked). The Court finds the following challenged regulations specify *other* persons who may not be considered:

R9-17-322(A)(2): requiring applicant to have been an Arizona resident for three years;

R9-17-302(A)(4): setting criteria that applicant have never filed personal or corporate bankruptcy;

R9-17-302(A)(1): setting criteria that applicant have submitted Arizona personal income tax returns for previous three years;

R9-17-302(A)(2): setting criteria that applicant is current on court-ordered child support; is not delinquent in paying taxes, interest or penalties to the government; does not have an unpaid judgment to the government; and is not in default on a government-issued student loan.

As such, these challenged regulations are far more onerous and substantively alter the requirements of the Act. *Cf. In re Pima Cnty. Mental Health No. MH-2010-0047*, 228 Ariz. 94,

measures.

(d) If the city, town or county in which the nonprofit medical marijuana dispensary would be located has enacted zoning restrictions, a sworn statement certifying that the registered nonprofit medical marijuana dispensary is in compliance with the restrictions.

2. None of the principal officers or board members has been convicted of an excluded felony offense.
3. None of the principal officers or board members has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.
4. None of the principal officers or board members is under twenty-one years of age.

(Emphasis added.)

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99, 263 P.3d 643, 648 (App. 2011). DHS cannot bootstrap substantive regulations of who may apply onto its mandate that it consider such applications in a manner as to protect against diversion and theft. Nor is the Court persuaded that the challenged regulations are authorized by virtue of the 1:10 ratio on NPMMDs to licensed pharmacies. There are other ways of selecting the "winning" applicant, including random drawing. Indeed, current DHS regulations contemplate use of a random drawing of the "winners" among equal applicants for a particular NPMMD certificate. *See* R9-17-302. The Court finds that DHS exceeded its statutory authority in promulgating these challenged regulations, and therefore they are invalid. *See Sharpe*, 220 Ariz. at 499, 207 P.3d at 752. Accordingly, the Court need not reach the constitutional challenges raised by Plaintiffs.

However, the Court agrees with the State that the following challenged regulations are supplementary rules to protect against diversion and theft, and thus fall within DHS' mandate under § 36-2803(4):

R9-17-302(A)(3): setting criteria that individual with 20% or more interest in dispensary be the applicant or principal officer or board member of dispensary;

R9-17-304(D)(7): requiring documentation of ownership of address of dispensary or permission from owner for applicant to operate dispensary at the address.

R9-17-322(A)(3): requiring application to comply with state law.

These are not selection criteria to determine whether an applicant will be given a registration certificate; rather they are regulations "for the complete operation and enforcement of legislation." *Boyce*, 157 Ariz. at 268, 756 P.2d at 937. The Court finds these challenged regulations to be valid. To the extent Plaintiffs argue these challenged regulations are unconstitutionally vague, the Court simply disagrees. A law is not void for vagueness unless it fails to provide persons of ordinary intelligence reasonable notice or sufficiently restrict the discretion of those who apply it. *See, e.g., State v. Anderson*, 199 Ariz. 187, 191, 16 P.3d 214, 218 (App. 2000). A law need not be drafted with absolute precision or define all its terms. *Curtis v. Richardson*, 212 Ariz. 308, 314, 131 P.3d 480, 486 (App. 2006). These challenged regulations provide clear notice how they will be used in issuing a NPMMD certificate and how DHS will proceed with regard to the process.

Accordingly,



CONNOR & CONNOR PLLC
ATTORNEYS AT LAW

2450 ST. ROSE PARKWAY SUITE 120 A HENDERSON, NV 89074

January 15, 14

Division of Public and Behavioral Health
Attn: Medical Marijuana Division
4150 Technology Way, Suite 104
Carson City, NV, 89706
Phone: (775) 687-7594
Fax: (775) 684-4256
medicalmarijuana@health.nv.gov

Re: Public Comment Regarding Law Enforcement Education

INTRODUCTION

I would like to thank everybody at the Nevada Division of Public and Behavioral Health for all of their hard work on this project. It has been a pleasure working with the Division and its personnel as we move forward with the application process. I am submitting this brief comment on behalf of patient who contacted my office with concerns regarding the lack of training of law enforcement with regard to Nevada's medical marijuana laws.

COMMENT

It is unquestionable that SB374 has created significant changes to Nevada's medical marijuana laws. Some of the more significant changes ushered in by SB374 include the licensing of commercial marijuana establishments, increases of the amounts that can be legally possessed or cultivated and recognition of out of state medical marijuana patient cards. These changes will have a huge impact on law enforcement's interactions with patients. While it is hoped that state and local law enforcement agencies will adequately train and update their officers on the changes to Nevada law, recent experiences of patients, such as Vicki Higgins, has revealed that law enforcement officers are not adequately changed on the law.

Division of Health and Human Services

January 15, 14

Page 2

Therefore, Vicki Higgins and others would like to see language included in the Division's regulations that would require training of law enforcement agencies to be offered as part of the standard training programs. We feel that this would help protect the patients and visitors to Nevada from any potential conflicts with law enforcement. If you would like to discuss this matter please do not hesitate to contact my office at your convenience.

Sincerely,

CONNOR & CONNOR PLLC

By: Derek J. Connor

DEREK J. CONNOR ESQ.

Law Enforcement Against Prohibition

121 Mystic Avenue
Suites 7-9
Medford, MA 02155
(phone) (781) 393-6985 (fax) (781) 393-2964
info@leap.cc

8730 Georgia Avenue
Suite 300
Silver Spring, MD 20910
(phone) (301) 565-0807 (fax) (301) 565-0204

| | | |
|--|---|----------------|
| Neill Franklin | Executive Director | (301) 565-0807 |
| Darby Beck San Francisco, CA | Media Relations Director | (415) 823-5496 |
| Kristin Daley | Director of Outreach & Web Communications | (781) 393-6985 |
| Bill Fried | Director of Programs & Financial Administration | (781) 393-6985 |
| Antoinette O'Neil | Office Manager | (781) 393-6985 |
| Mike Smithson | Speakers Bureau Director | (315) 243-5844 |

[go to top](#)

To:

Head of Division of Public and Behavioral Health

Marla McDade-Williams

775-684-4200

mmcdade@health.nv.gov

Attn: Medical Marijuana Division

4150 Technology Way, Suite 104

Carson City, NV, 89706

Phone: (775) 687-7594

Fax: (775) 684-4256

medicalmarijuana@health.nv.gov

Dear Ms. McDade - Williams,

I am the director of the speakers bureau for Law Enforcement Against Prohibition. I was recently advised that your NV state MMJ policy is being challenged by some in the law enforcement community, saying that they do not have the funding to properly train cops and other first responders about the policy. I've attached comments by 2 police veterans that explain how easy it is to train this law, just as if it was any other policy change or adjustment.

I can provide many more testimonials if you need them.

Sincerely,

Mike Smithson



LAW ENFORCEMENT AGAINST PROHIBITION

121 Mystic Avenue, Medford, Massachusetts 02155 - Tele: 781.393.6985 Fax: 781.393.2964 info@leap.cc www.leap.cc

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Ret. BC Supreme Court Justice,
Vancouver, Canada

December 27, 2013

Marla McDade-Williams
Head of Division of Public and Behavioral Health
State of Nevada

Dear Ms. McDade-Williams:

I understand concerns about allocating time to train personnel in your state's medical marijuana laws have been raised within the law enforcement community. I would like to suggest, respectfully, that these concerns are without foundation.

I was a police officer for 34 years, the first 28 in the San Diego Police Department, the last six (1994-2000) as Chief of Police of the Seattle Police Department. In each of these departments, and in every other law enforcement organization I'm aware of, time was set aside, either on a daily or a weekly basis, to provide "roll call" training for patrol officers.

The subject of such training? New legislation (or changes necessitated by court decisions) or new policies or procedures developed within the agency. Roll call training (typically five- or ten- or fifteen-minute sessions), by design, costs the agency nothing.

It is my professional opinion that the identification of medical marijuana patients, and how to "deal" with them, is precisely the kind of topic best addressed with such training.

Sincerely,

Norm Stamper, Ph.D.
Seattle Chief of Police (Ret.)



LAW ENFORCEMENT AGAINST PROHIBITION

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Former Governor of New Mexico, USA

Judge John L. Kane
US District Court Judge, Colorado, USA

Justice C. Ross Lander
Ret. BC Supreme Court Justice,
Vancouver, Canada

December 29th, 2013

To whom it concerns:

I retired in 2003 after 36 years in law enforcement with the Denver Colorado PD – 30 of them on the street in uniform (12 of those as a Patrol Sergeant, 14 as a shift and unit commander). At every single roll call there was a training period of some sort lasting from 5 to 15 minutes prior to sending the officers out to the street. There is *absolutely* no defensible excuse for not being able to instruct Nevada police officers (or any other first responders) about the Medical Marijuana Laws and proper ways to identify those legally in possession of permissible amounts. Making that a part of routine roll call training adds no additional cost to department operations any more than telling officers about changes in other laws they routinely enforce (traffic/dunk driving laws come to mind).

Frankly, such routine daily training is an essential part of keeping officers informed about their many duties so they – and their department – can avoid complaints and possible legal actions against them.

Lt. Tony Ryan (Retired)
Denver Police Department

naturalnews.com printable article

Originally published December 19 2013

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American Herbal Pharmacopoeia releases cannabis monograph legitimizing herb as botanical medicine

by Ethan A. Huff, staff writer

(NaturalNews) After more than 70 years of exclusion due to longstanding prohibition at the national level, cannabis is once again gaining official recognition as a legitimate botanical medicine. The *American Herbal Pharmacopoeia* (AHP) recently announced the publication of an official cannabis monograph, which is set to be installed in two parts, that establishes a solid groundwork for the full integration of cannabis therapy into modern medicine.

One of the world's premier herbal research organizations, AHP recently published the first part of the monograph, a 60-page document replete with diagrams and detailed descriptions about how the plant is cultivated, what constituents it possesses and how it functions. Leaving no stone unturned, the AHP cannabis monograph is arguably the most thorough and comprehensive document to date on this important herbal medicine.

"The adoption of cannabis into the American Herbal Pharmacopoeia as a safe, effective and low-cost botanical medicine is a testament to this human-plant relationship and a significant footprint on the trail towards acknowledgment as such by a much broader audience," says Dr. Michelle Sexton, one of the authors and reviewers of the new monograph. Dr. Sexton is currently the medical research director at the Center for the Study of Cannabis and Social Policy.

Cannabis monograph a powerful tool for both patients and providers

Botanical monographs, in case you were unaware, are meant to serve as comprehensive informational tools on medicinal herbs and plants. Each one provides a complete look into the history, taxonomy, morphology and biology of an individual plant or herb, as well as detailed information about how to properly grow, prepare and use it for therapeutic purposes.

"The inclusion of cannabis in the American Herbal Pharmacopoeia returns the plant to its place alongside as a proven botanical medicine, which has been used for centuries by countries and cultures around the world," says Steph Sherer, executive director of Americans for Safe Access (ASA), the group that helped support the development of the monograph.

"Health care professionals, researchers and regulators now have the tools to develop effective public health programs for medical marijuana and to further explore its therapeutic benefits."

First cannabis monograph published in 1851

While the inclusion of a cannabis monograph into the official AHP fold of botanical herbs is a historic event, it is important to remember that, before the 1930s, cannabis had been widely regarded as a botanical medicine. The first cannabis monograph, in fact, was included in the 3rd edition of the U.S. Pharmacopoeia, which was published back in 1851.

According to the historical record, cannabis remained in nine subsequent editions of the U.S.

Pharmacopoeia until around 1942, just a few years after Congress passed the federal Marihuana Tax Act of 1937. The passage of this act was the beginning of cannabis prohibition in America, which ended up resulting in the removal of cannabis from the U.S. Pharmacopoeia.

But now that an increasing number of states are bucking this failed policy by legalizing both medicinal and recreational cannabis use at the state level, sentiments about this powerful herb are changing. No longer is cannabis just an illicit street drug consumed by stoners; it is increasingly being accepted as a therapeutic herbal remedy with scientifically backed antioxidant, anti-inflammatory, antifungal and anticancer properties, among many other uses.

"The cannabis monograph was reviewed by the world's leading researchers and represents one of the most comprehensive and critically reviewed documents on cannabis in recent times," explains *Hemp News*.

You can view a preview of Part I of the AHP cannabis monograph here:
<http://american-safe-access.s3.amazonaws.com>

Sources for this article include:

<http://hemp.org>

<http://american-safe-access.s3.amazonaws.com>

<http://www.herbal-ahp.org>

[Iodine Plus 2 Recharge Your Thyroid with Iodine Safe & Easy, No Doctor Visit Needed 1-thyroid.com](#)

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IMPACT OF DISPENSARIES AND REGULATORY ORDINANCES ON COMMUNITIES IN CALIFORNIA

DISPENSARIES REDUCE CRIME AND IMPROVE PUBLIC SAFETY

Some reports have suggested that dispensaries are magnets for criminal activity and other undesirable behavior, which poses a problem for the community. But the experience of those cities with dispensary regulations says otherwise. Crime statistics and the accounts of local officials surveyed by ASA indicate that crime is actually reduced by the presence of a dispensary. And complaints from citizens and surrounding businesses are either negligible or are significantly reduced with the implementation of local regulations.

This trend has led multiple cities and counties to consider regulation as a solution. Kern County, which passed a dispensary ordinance in July 2006, is a case in point. The sheriff there noted in his staff report that "regulatory oversight at the local levels helps prevent crime directly and indirectly related to illegal operations occurring under the pretense and protection of state laws authorizing Medical Marijuana Dispensaries." Although dispensary-related crime has not been a problem for the county, the regulations will help law enforcement determine the legitimacy of dispensaries and their patients.

The sheriff specifically pointed out that, "existing dispensaries have not caused noticeable law enforcement problems or secondary effects for at least one year. As a result, the focus of the proposed Ordinance is narrowed to insure Dispensary compliance with the law" (Kern County Staff Report, Proposed Ordinance Regulating Medical Cannabis Dispensaries, July 11, 2006).

The presence of a dispensary in the neighborhood can actually improve public safety and reduce crime. Most dispensaries take security

for their members and staff more seriously than many businesses. Security cameras are often used both inside and outside the premises, and security guards are often employed to ensure safety. Both cameras and security guards serve as a general deterrent to criminal activity and other problems on the street. Those likely to engage in such activities tend to move to a less-monitored area, thereby ensuring a safe environment not only for dispensary members and staff, but also for neighbors and businesses in the surrounding area.

Residents in areas surrounding dispensaries have reported improvements to the neighborhood. Kirk C., a long-time San Francisco resident, commented at a city hearing, "I have lived in the same apartment along the Divisadero corridor in San Francisco for the past five years. Each store that has opened in my neighborhood has been nicer, with many new restaurants quickly becoming some of the city's hottest spots. My neighborhood's crime and vandalism seems to be going down year after year. It strikes me that the dispensaries have been a vital part of the improvement that is going on in my neighborhood."

Oakland city administrator Barbara Killey, who was responsible for the ordinance regulating dispensaries, noted that "The areas around the dispensaries may be some of the safest areas of Oakland now because of the level of security, surveillance, etc...since the ordinance passed."

Likewise, former Santa Rosa Mayor Jane Bender noted that since her city passed its ordinance, there appears to be "a decrease in criminal activity. There certainly has been a decrease in complaints. The city attorney says there have been no complaints either from citizens or from neighboring businesses."

Neighboring Sebastopol has had a similar experience. Despite public opposition to medical cannabis dispensaries, Sebastopol Police Chief Jeffrey Weaver admitted that for more than two years, "We've had no increased crime associated [with Sebastopol's medical cannabis dispensary], no fights, no loitering, no increase in graffiti, no increase in littering, zip."

"The parade of horrors that everyone predicted has not materialized. The sky has not fallen. To the contrary... California jurisdictions have shown that having medical cannabis in place does not impact... public safety." —San Francisco Supervisor David Campos

Those dispensaries that go through the permitting process or otherwise comply with local ordinances tend, by their very nature, to be those most interested in meeting community standards and being good neighbors. Many local officials surveyed by ASA said dispensaries operating in their communities have presented no problems, or what problems there may have been significantly diminished once an ordinance or other regulation was instituted.

Several officials said that regulatory ordinances had significantly improved relations with other businesses and the community at large. An Oakland city council staff member noted that prior to adopting a local ordinance, the city had received reports of break-ins. However, the council staff member said that with the adoption of Oakland's dispensary ordinance, "That kind of activity has stopped. That danger has been eliminated." Assistant City Administrator Arturo Sanchez, a nuisance enforcement officer, affirmed that since 2004 he has "never received a nuisance complaint concerning lawfully established medical marijuana dispensaries in Oakland...[or] had to initiate an enforcement action."

The absence of any connection between dis-

pensaries and increased local crime can be seen in data from Los Angeles and San Diego. During the two-year period from 2008 to 2010 in which Los Angeles saw the proliferation of more than 500 dispensaries, the overall crime rate in the city dropped considerably. A study commissioned by Los Angeles Police Chief Charlie Beck, comparing the number of crimes in 2009 at the city's banks and medical marijuana dispensaries, found that 71 robberies had occurred at the more than 350 banks in the city, compared to 47 robberies at the more than 500 medical marijuana facilities. Chief Beck observed that, "banks are more likely to get robbed than medical marijuana dispensaries," and that the claim that dispensaries attract crime "doesn't really bear out." In San Diego, where some officials have made similar allegations about increased crime associated with dispensaries, an examination of city police reports by a local paper, the San Diego CityBeat, found that as of late 2009 the number of crimes in areas with dispensaries was frequently lower than it was before the dispensary opened or, at worst, stayed the same.

WHY DIVERSION OF MEDICAL CANNABIS IS TYPICALLY NOT A PROBLEM

One of the concerns of public officials is that dispensaries make possible or even encourage the resale of cannabis on the street. But the experience of those cities that have instituted ordinances is that such problems, which are rare in the first place, quickly disappear. In addition to being monitored by law enforcement, dispensaries universally have strict rules about how members are to behave in and around the facility. Many have "good neighbor" trainings for their members that emphasize sensitivity to the concerns of neighbors, and all dispensaries absolutely prohibit the resale of cannabis. Anyone violating that prohibition is typically banned from any further contact with the dispensary.

As Oakland's city administrator for the regulatory ordinance explains, "dispensaries themselves have been very good at self policing

against resale because they understand they can lose their permit if their patients resell."

In the event of an illegal resale, local law enforcement has at its disposal all of the many legal penalties provided by the state. This all adds up to a safer street environment with fewer drug-related problems than before dispensary operations were permitted in the area. The experience of the City of Oakland is a good example of this phenomenon. The city's legislative analyst, Lupe Schoenberger, stated that, "...[P]eople feel safer when they're walking down the street. The level of marijuana street sales has significantly reduced."

"The areas around the dispensaries may be some of the most safest areas of Oakland now because of the level of security, surveillance, etc. since the ordinance passed."

—Barbara Killey, Oakland

Dispensaries operating with the permission of the city are also more likely to appropriately utilize law enforcement resources themselves, reporting any crimes directly to the appropriate agencies. And dispensary operators and their patient members tend to be more safety conscious than the general public, resulting in greater vigilance and better preemptive measures. The reduction of crime in areas around dispensaries has been reported anecdotally by law enforcement in several communities.

DISPENSARIES CAN BE GOOD NEIGHBORS

Medical cannabis dispensing collectives are typically positive additions to the neighborhoods in which they locate, bringing additional customers to neighboring businesses and reducing crime in the immediate area.

Like any new business that serves a different customer base than the existing businesses in the area, dispensaries increase the revenue of other businesses in the surrounding area sim-

ply because new people are coming to access services, increasing foot traffic past other establishments. In many communities, the opening of a dispensary has helped revitalize an area. While patients tend to opt for dispensaries that are close and convenient, particularly since travel can be difficult, many patients will travel to dispensary locations in parts of town they would not otherwise visit. Even if patients are not immediately utilizing the services or purchasing the goods offered by neighboring businesses, they are more likely to eventually patronize those businesses because of convenience.

ASA's survey of officials whose cities have passed dispensary regulations found that the vast majority of businesses either adjoining or near dispensaries had reported no problems associated with a dispensary opening after the implementation of regulations.

Kriss Worthington, longtime councilmember in Berkeley, said in support of a dispensary there, "They have been a responsible neighbor and vital organization to our diverse community. Since their opening, they have done an outstanding job keeping the building clean, neat, organized and safe. In fact, we have had no calls from neighbors complaining about them, which is a sign of respect from the community. In Berkeley, even average restaurants and stores have complaints from neighbors."

Mike Rotkin, councilmember and former mayor of the City of Santa Cruz, said about the dispensary that opened there last year, "The immediately neighboring businesses have been uniformly supportive or neutral. There have been no complaints either about establishing it or running it."

And Dave Turner, mayor of Fort Bragg, noted that before the passage of regulations there were "plenty of complaints from both neighboring businesses and concerned citizens," but since then, it is no longer a problem. Public officials understand that, when it comes to dispensaries, they must balance both the humanitarian needs of patients and the

concerns of the public, especially those of neighboring residents and business owners.

Oakland City Councilmember Nancy J. Nadel wrote in an open letter to her fellow colleagues across the state, "Local government has a responsibility to the medical needs of its people, even when it's not a politically easy choice to make. We have found it possible to build regulations that address the concerns of neighbors, local businesses, law enforcement and the general public, while not compromising the needs of the patients themselves. We've found that by working with all inter-

ested parties in advance of adopting an ordinance while keeping the patients' needs foremost, problems that may seem inevitable never arise."

Mike Rotkin of Santa Cruz stated that since the city enacted an ordinance for dispensaries, "Things have calmed down. The police are happy with the ordinance, and that has made things a lot easier. I think the fact that we took the time to give people who wrote us respectful and detailed explanations of what we were doing and why made a real difference."

BENEFITS OF DISPENSARIES TO THE PATIENT COMMUNITY

DISPENSARIES PROVIDE MANY BENEFITS TO THE SICK AND SUFFERING

Safe and legal access to cannabis is the reason dispensaries have been created by patients and caregivers around the state. For many people, dispensaries remove significant barriers to obtaining cannabis. Patients in urban areas with no space to cultivate cannabis, those without the requisite gardening skills to grow their own, and, most critically, those who face the sudden onset of a serious illness or who have suffered a catastrophic illness—all tend to rely on dispensaries as a compassionate, community-based solution as a preferable alternative to potentially dangerous illicit market transactions.

Many elected officials in California recognize the importance of dispensaries to their constituents. As Nathan Miley, former Oakland city councilmember and now Alameda County supervisor said in a letter to his colleagues, "When designing regulations, it is crucial to remember that at its core this is a healthcare

issue, requiring the involvement and leadership of local departments of public health. A pro-active healthcare-based approach can effectively address problems before they arise, and communities can design methods for safe, legal access to medical marijuana while keeping the patients' needs foremost."

West Hollywood Mayor John Duran agreed, noting that with the high number of HIV-positive residents in the area, "Some of them require medical marijuana to offset the medications they take for HIV."

Jane Bender, former mayor of Santa Rosa, says, "There are legitimate patients in our community, and I'm glad they have a safe means of obtaining their medicine."

And Mike Rotkin of Santa Cruz said that this is also an important matter for his city's citizens: "The council considers it a high priority and has taken considerable heat to speak out and act on the issue."

It was a similar decision of social conscience

For more information, see www.AmericansForSafeAccess.org or contact the ASA office at 1-888-929-4367 or 510-251-1856.